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BY

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Let observation, with extensive view,
Survey mankind from China to Peru.
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CONTRIBUTORS.

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(*b*) Writers of the Summaries of Legislation for the Annual Review during the year 1932: S. S. Abrahams, Esq.; the Hon. Mr. C. G. Alabaster, K.C., O.B.E.; C. V. H. Archer, Esq.; C. W. Duret Aubin, Esq.; E. L. Bean, Esq.; W. E. Bentley, Esq., K.C.; Norman Bentwich, Esq., O.B.E., M.C.; H. W. B. Blackall, Esq.; O. E. Bodington, Esq.; P. F. Branigan, Esq.; J. E. Broadbent, Esq.; Cecil T. Carr, Esq., LL.D.; J. Christie, Esq., LL.M.; C. J. Colombos, Esq., LL.D.; G. E. Cooper, Esq.; H. C. F. Cox, Esq.; M. B. Dixon, Esq.; A. N. Doorly, Esq.; Brian Dunfield, Esq.; John D. Falconbridge, Esq., K.C.; R. M. Fisher, Esq., K.C.; Sir Robert Garran, K.C.M.G.; His Honour Mr. Justice Gore; J. Maxwell Hall, Esq.; W. Harragin, Esq.; G. Hartog, Esq.; H. Ralph Hone, Esq., M.C., LL.B.; J. C. Howard, Esq.; John D. Hunt, Esq., K.C.; the Hon. Hector Josephs; the Hon. Mr. Justice Lansdown; the Hon. Harcourt Malcolm, K.C., O.B.E.; A. G. B. Manson, Esq.; F. F. Mathers, Esq.; A. de Mello, Esq.; the Hon. Sir Henry Moncrieff-Smith, C.I.E.; E. Nairac, Esq.; A. V. Pineo, Esq.; H. Pring, Esq.; A. Denis Pringle, Esq.; Sir Arthur S. Quekett; Frederick Read, Esq., LL.B.; J. P. Runciman, Esq.; the Hon. J. E. Salmon; A. A. Schoch, Esq.; H. J. Solomon, Esq., LL.B.; A. E. Speight, Esq., K.C.; H. W. Steele, Esq.; F. L. Stow, Esq., LL.D.; Sudan, the Hon. Advocate-General; the Hon. Mr. Justice Fabre Surveyer; H. H. Trusted, Esq., K.C.; I. J. Turbett, Esq.; Neville Turton, Esq.; L. H. Whitehead, Esq.; His Honour Judge Zichy-Woinarski, K.C.; S. H. Zichy-Woinarski, Esq., M.A., LL.B.

ANNUAL REPORT.

THE Committee regret to record that the Society has lost two valued friends in the death, during the year under review, of Sir Arthur Thring and of Senator the Rt. Hon. N. A. Belcourt. The latter was also a member of the Council of the Society and had for many years taken a close interest in our work. In his place the Committee welcome Sir William F. Gowers, K.C.M.G., the Senior Crown Agent for the Colonies.

During the year the Committee received an intimation from Dr. F. P. Walton of his desire to relinquish his editorship of the Journal, and much to their regret they felt obliged to accept his resignation. Dr. F. M. Goadby, who has undertaken the duties of Editor, is welcomed by the Committee as his successor.

For many years the Committee have been anxious to provide a complete index to the laws of the Dominions and Colonies. The year 1932 has been marked by the completion of an instalment in manuscript of an index to the laws of the Colonies not possessing responsible government. The Index is kept up to date so as to provide a means of reference to the laws in force. Thus members have available a ready method of obtaining a note of the latest laws upon any subject of interest to them. For example, it shows the legislation applying International Conventions in different parts of the Empire. Progress is now being made with the corresponding index to the laws of the Dominions.

The accounts of the Society for the year 1932 show that the finances have been affected by the national conditions. The government subscriptions have been decreased to the extent of £31. The Committee particularly regret the withdrawal of the subscription by the Royal Empire Society, as it breaks an association which has existed for many years, and hope that circumstances will soon allow its renewal. The grant from King's Inns, which was not paid in 1932, was first made in 1929.

Sales have always been an uncertain source of income since they depend on the extent to which back numbers are required to complete sets.

The loss of income has been offset in some measure by a reduction in expenditure. The cost of printing has been reduced by 10 per cent., thereby effecting a saving on the year's account of £45, which in a full year will amount to more than £50. It was not necessary to obtain a supply of paper, so that item does not appear in the 1932 account. Sundry other items reduce the total deficit on the year's account to £55.

Under present circumstances it is important to take a long view of the situation. Comparing the accounts with the financial position before the war, it is worthy of note that even the reduced income of last year is nearly four times the amount of twenty years ago. The corresponding increase of expenditure represents the regular issue of four numbers in each year instead of the irregular publication of an uncertain number. A stimulus was given to the work of the Society by the strengthening of its Imperial relationships during the war. There is an analogy in the present economic conditions, and in spite of financial stringency the Society may have confidence that its work will be appreciated, as it occupies a unique sphere in the British Commonwealth.

ATKIN, *Chairman.*

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1932. *Cr.*

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
To Subscriptions:			By Publication of *Journal*:		
Government	178 10 0		Printing vol. xiii, pt. 4	159 12 5	
General	415 14 6	594 4 6	Printing vol. xiv, pt. 1	139 8 0	
,, Grants:			Printing vol. xiv, pt. 2	114 7 7	
Law Society	21 0 0		Printing vol. xiv, pt. 3	96 19 6	510 7 6
Lincoln's Inn	21 0 0		,, Salary of Secretary		250 0 0
Middle Temple	21 0 0		,, Rent of Chambers	100 0 0	
Inner Temple	21 0 0		*Less* Rent received	40 0 0	60 0 0
Gray's Inn	21 0 0		,, Lighting, Heating and Cleaning of Chambers		21 18 8
Canadian Bar Association	12 5 4		,, General Expenses, including Postage and Insurance		19 1 0
Northern Ireland Inn of Court	5 5 0		,, Telephone		8 13 8
Government of Fiji	5 0 0		,, Stationery		1 17 4
Government of Grenada	2 2 0	129 12 4	,, Audit of Accounts for the year 1931		3 3 0
,, Sale of *Journals*	21 9 7				875 1 2
Less Cost of Reprints and Back Numbers	4 8 6	17 1 1			
,, Proceeds of Advertisements		11 11 0			
,, Sale of *Great Jurists of the World*		0 16 2			
,, Interest and Bonus on War Loan		19 0 0			
		772 5 1			
,, Cash at January 1, 1932:					
In hand	3 3 4				
At bank	270 16 10	274 0 2	,, Cash at December 31, 1932:		
,, Subscriptions in arrear paid in 1932		3 3 0	In hand	6 8 13	
,, Subscriptions in advance paid in 1932		66 3 11	At bank	233 12 9	240 11 0
		£1,115 12 2			£1,115 12 2

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £400 3½% War Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
February 15, 1933.

CASH, STONE & CO.
Chartered Accountants.

INTRODUCTION.

[*Contributed by* C. E. A. Bedwell, Esq.]

The economic crisis which developed during 1931 led to legislation analogous to that which was found necessary in time of war. In addition to the laws required to deal with financial conditions there was in the United Kingdom an enactment against profiteering something like a revival of war-time food control (p. 6). "Swift and elastic methods were required" (p. 1) so that Ministers' powers were enlarged to provide prompt and effective action—sometimes with unexpected consequences (p. 6).

Agriculture.—In the United Kingdom the Labour Government had their chief success before going out of office in legislation in respect of agriculture (p. 3), while there were further developments of the arrangements for marketing produce similar to those which have been in operation in the Dominions and adopted in 1931 in Northern Ireland (p. 17). Potatoes and turnips have been graded in Newfoundland (p. 66). Measures were necessary for the relief of farmers in Canada, Australia and South Africa (see *e.g.* pp. 63, 75, 83 and 113). Other legislation to assist agriculture includes the Act to facilitate the financing of fruit produce and warehouse associations in Nova Scotia (p. 47).

Finance.—The numerous measures rendered necessary by the financial crisis can be traced by reference to the index. So much has happened since the autumn of 1931 that by the summer of 1933 some of the legislation of that year has become a matter of history. Moreover, students of law as well as of economics have appreciated that the psychological factor has made an enormous contribution to financial conditions. "Balancing the budget" assisted to restore confidence in Australia as much as in Great Britain, while salary cuts (cf. Index: Public Service) had a depressing effect and could only be maintained where the evidence was quite clear that they were to the national advantage. In themselves they were not sufficient to establish financial equilibrium so that additional revenue was required from a variety of sources (see *e.g.* Index: Excise, Public Finance, Taxation).

Unemployment.—The chief cause of the financial distress received attention in different legislative measures. In Great Britain further amendments (p. 11) were made to the Insurance Acts, while Canada legislated for joint action by the Dominion and Provinces (see pp. 38, 40, 46, 52) to deal with unemployment, and New Zealand developed the scheme of levy on adult male residents administered by the Unemployment Board originally constituted in 1930 (p. 100).

Transport.—Another subject which received attention from a number of legislatures was transport in its various aspects. The competition between rail and road was dealt with by Kenya (p. 150), New South Wales

(p. 69), Queensland (p. 74) and Tanganyika (p. 154). A variation from the co-ordination of rail and motor traffic is provided in British Guiana (p. 160) where the railways, government vessels and harbours have been brought under one control. The regulation of traffic and vehicles required a considerable variety of laws (see Index: Motor Vehicles). South Australia seems to have enacted an extension of the English law and requires insurance companies notified of a motor accident to inform the Inspector General of Hospitals so that he may make a claim up to twenty-five guineas. He may also claim directly for the treatment of the victim of a motor accident from any person liable to pay compensation or damages (p. 79).

Constitution.—While matters of general public interest occupy a good deal of space in the review it is important that they should not be allowed to overshadow constitutional changes. The summary of Irish Free State legislation describes a law (p. 28) regarded as being unsurpassed in its effect on the liberty of the subject. Financial conditions in Australia involved points of constitutional importance (p. 76), while the reduction of judges' salaries of which the validity has been questioned by Sir William Holdsworth and other authorities in England was not effected in New Zealand as being a breach of constitutional law (p. 97).

Growth of Government Departments.—An increasing range of activities have been brought under departmental control. The new Department of Public Welfare constituted in Ontario (p. 48) has a singularly varied list of duties covered by its title and includes the control of charitable institutions. Newfoundland passed a similar measure (p. 65) with even wider interests though on a smaller scale. The Dominion also created a Department of External Affairs (p. 65).

Quebec authorized the Cabinet to constitute a commission to promote the sale of the forest products of the Province (p. 56).

Milk rarely receives adequate attention, so that the formation of a Milk Board by New South Wales (p. 71) deserves special commendation. It is charged with regulation and control of supply and distribution of milk and the fixation of prices.

Hong Kong, where a number of English nurses are employed, has constituted a Nursing Board (p. 141) with duties similar to those incorporated in the English Nurses Registration Act.

Leprosy is made the especial care of a Leprosy Board in British Guiana (p. 159), consisting of medical practitioners of experience in leprosy.

Domestic Relations.—Ontario has extended the Matrimonial Causes Act to which the reference in last year's Introduction (p. xxviii) included in error a statement that desertion is a ground of divorce. This is not so and has not been included in the Act of 1931 (p. 49), which provides for judicial separation, alimony, settlement of property and the custody of children. The legislation of the Dominion of Canada dealt (p. 35) with the nationality of married women. In the law of legitimacy Kenya differs from all other parts of the Empire in allowing the legitimation of the offspring of adulterous intercourse, but by an amendment (p. 150) confines the Ordinance of 1930 to domiciled residents.

Miscellaneous.—Each review of legislation provides a certain number of items more or less novel in character. The resident in Quebec who wants to keep a supply of tear bombs can only do so by permission of the Chief of Provincial Police (p. 58). The workman in New Zealand who

thinks that his labour shares have some market value can no longer be in any doubt. Any benefits which they confer are something over and above any other rights, but not cash (p. 102). In the Union of South Africa women and juveniles can apply to be tried by a jury of women only, if sufficient women jurors are available (p. 114). School books have been brought under the control of the Governor in North Borneo (p. 144), owing to the activities of certain Chinese firms in publishing school books with a strong anti-foreign bias. In Cyprus, for some unexplained reason, the ringing of bells has required the attention of the legislature (p. 169).

Conclusion.—The bird's-eye view presented by this review of legislation, for which the Society is much indebted to many contributors, suggests that public affairs have engaged the attention of the legislators to the exclusion to some extent of the affairs of everyday life, though a lessening of the output of legislation affecting the liberty of the subject is not without its advantages.

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* Cecil T. Carr, Esq., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders*, etc.]

The session 21 & 22 Geo. V, beginning on October 28, 1930, produced 52 public general Acts of Parliament. Politically it fell into two parts. Until the following August a Labour Administration struggled to fulfil the heavy programme outlined in the King's Speech. Afterwards, when the summer recess was cut short early in September, a National Government faced for a month the crisis of an unbalanced budget and a break in sterling. Its main task was economy.

Form and Method.—The brief Colonial Naval Defence Act is the sole consolidating Act of the session. Consolidation of the Factory and Workshop Acts is once more proposed in the King's Speech, but is once more postponed. The tangle of unemployment insurance legislation goes from bad to worse. Nothing but the ablest draftsmanship has prevented a breakdown in this branch of the law where students of the principal Act of 1920 have to reckon with some 25 amending enactments. The queer story of Sunday cinematographs illustrates the danger of neglecting to bring old statutes into conformity with modern custom and practice, and of disregarding them as obsolescent.

We shall find four transcendent instances of recourse to delegated legislation. The removal of anomalies in the receipt of unemployment benefit is surrendered to departmental regulations instead of being directly undertaken by Parliament; the Gold Standard (Amendment) Act gives the Treasury *carte blanche*; a temporary enactment against profiteering, had its use been required, might have led to something like a revival of war-time food control; finally the National Economy Act made use of Orders in Council to amend legislation. Swift and elastic methods were required, and criticism of the tendency to enlarge Ministers' powers (lately examined by the Donoughmore Committee) was hushed. The final paragraph of this summary will deal further with the delegated legislation of the year.

Imperial and Foreign Affairs.—The Treasury is authorized (c. 26) to guarantee principal and interest on a loan of £750,000 to Mauritius, subject to the usual conditions as to sinking funds and charge of revenues and assets, for repairing the damage done by the March hurricane. The Palestine and East Africa Loans (Amendment) Act (c. 21) modifies an Act of 1926 which had sanctioned the guarantee of a ten-million loan for railways and other development works. Here difficulty arose over the usual requirement that the territories concerned should create and

maintain sinking funds with a priority charge over their revenues. Tanganyika had borrowed two millions and duly gave the priority charge for the loan ; now she wanted to borrow again and found the statutory requirement a technical obstacle which Parliament had to remove.

In 1925, under the China Indemnity (Application) Act, the British share of the Boxer Indemnity payments was devoted to such educational and other purposes, beneficial to the mutual interests of Britain and China, as the Secretary of State for Foreign Affairs, after consulting an Advisory Committee, might determine. A new Act (c. 7) now repeals and replaces these arrangements. Lump sums are given to the Hong Kong University for educating Chinese students, and to the Universities' China Committee in London for promoting intellectual co-operation between this country and China. The balance of the China Indemnity Fund is handed over to a new body, the Chinese Government Purchasing Commission, to be spent on railway rehabilitation and on such plant and machinery as China requires. The Chinese Government asked for this change.

Constitutional Law.—In 1782 it was necessary to restrain members of Parliament from being concerned as contractors in supplying war material and money for the American war. In general language the statute 22 Geo. III, c. 45, disqualified members who directly or indirectly contract with any other person " for or on account of the public service " ; it added a penalty of £500 for each day on which such members sat in the House. This wide disqualification might conceivably hit a member who now rents a domestic telephone under agreement with the Postmaster-General. Its inconvenient effects have been averted sometimes by special savings (as when the War Loan Acts expressly permit members of Parliament to subscribe) or by indemnity enactments (*e.g.* 15 & 16 Geo. V, c. 7). In 1931 doubts were said to have arisen because the family estate of Lord Cranborne, M.P. for South Dorset, included a building leased as a post office at Hatfield. A short House of Commons Disqualification (Declaration of Law) Act (c. 13) declares that the older statute refers only to " contracts for the furnishing or providing of money to be remitted abroad or wares and merchandise to be used or employed in the service of the public." The whole law of House of Commons disqualification ought long ago to have been rewritten in clear and compact form.

Defence Forces.—Two innovations are made by the Colonial Naval Defence Act (c. 9). Existing statutes of 1865 and 1909 allowed a colonial legislature to provide its own vessels of war and the necessary naval personnel ; the new Act permits colonies to join together in making such provision. The existing statutes arranged that a colonial defence force might be placed at the Admiralty's disposal, but it needed the new Act to make clear that the officers and men could be made liable to service and training " in any ship, establishment or other place without the limits of the colony, whether belonging to the colony or not." Instead of enacting these two changes by way of amendment to the existing statutes, the new Act consolidates the law and thus substitutes one Act for three.

The Army and Air Force (Annual) Act (c. 14) renews the soldier's and airman's disciplinary code for another year with a few merely verbal amendments. One of these relates to the restoration of forfeited service ; another introduces into the Army Act and the Air Force Act the euphemistic equivalents of " asylum " and " lunatic " which had been incorporated in other parts of the statute-book by s. 20 of the Mental Treatment

Act, 1930. The Yarmouth Naval Hospital Act (c. 15) concerns an establishment which dates from the Napoleonic wars and has for seventy years been used for the reception of mental patients. The hospital was not clearly dealt with when lunacy law was consolidated in 1890, and its legal position now required regularization. It is a safe guess that the Admiralty expected that a one-clause Bill would suffice; ten sections, however, were found necessary to deal with indemnities, detention orders, periodical reports on patients, leave, escape and recapture, misstatements in certificates, voluntary treatment, deductions from pay, management expenses, and so on.

Agriculture.—The Labour Government's chief success in legislation was in respect of agriculture, though a hostile House of Lords insisted on modifying the Agricultural Land (Utilization) Bill on the eve of the summer recess. The first clause of the Bill proposed to establish an agricultural corporation for large-scale State farming. The Lords' rejection of this clause had an odd result. The clause began "The Minister of Agriculture and Fisheries (hereinafter referred to as 'the Minister') . . ." When these words disappeared there was no time to reinsert them in the surviving clauses. The omission made the identity of "the Minister" a matter of ratiocination, but intuition could hardly fail to supply the missing reference. Under Part I of the Act (c. 41) the Minister may acquire and hold land for use as "demonstration farms, conducted on an economic basis under the management and control, as agents for the Minister, of local authorities, universities, agricultural colleges or other bodies or of any persons who, in the opinion of the Minister, are qualified to manage and control such farms and to give instruction in agricultural subjects." The Minister may also acquire land for reclamation, drainage or other reconditioning. He may put pressure on owners of "seriously neglected" land to execute necessary works of maintenance; if they fail to do so, there is a power of compulsory acquisition. Part II enables the Minister to provide small holdings for unemployed persons if satisfied that, among other conditions, they can cultivate their holdings properly. Under regulations to be approved by the Treasury allowances may be granted and the prospective cultivators may receive instruction at training centres. These facilities are also to be available for agricultural workers or for suitably trained ex-service men. The Minister may provide demonstration holdings. He may also take action himself if county councils have failed to provide sufficient small holdings. County councils may provide cottage holdings for persons who will reside there permanently and who have "the intention, knowledge and capital to cultivate satisfactorily." The Minister may also provide allotments not exceeding one acre for unemployed persons and, with the guidance of an advisory committee, may make grants for seeds and equipment. He may defray losses incurred by local authorities in providing allotment gardens for the unemployed. An unemployed person will not have to vacate his allotment on getting work. The Act contains the now fashionable "schedule of minor amendments." Certain powers of the Minister are unobtrusively limited in duration by s. 19. There are complicated clauses as to Treasury finance and as to Scotland.

Scotland has also an Act of its own (c. 44) on the subject of tenure of agricultural land. Part I amends the Small Landholders (Scotland) Acts as regards compensation to an outgoing tenant, the removal of a landholder for breach of statutory conditions and the termination of a

landholder's right if without reasonable cause he fails to occupy a holding. It establishes the power of the department to grant loans for buildings ; it amends the law as to vacant holdings to facilitate reletting, and deals also with the enlargement of holdings, records of permanent improvements, erection of fences, loans for stock and the right of landholders who are interested in a common grazing to kill and take ground game. Part II of the Act amends the Agricultural Holdings (Scotland) Acts by enlarging the tenants' rights to compensation for improvements and by bettering the machinery of arbitration. The tenant is given a freer hand in making improvements. The previous Act of 1923 named eighteen improvements for which the landlord's consent was required ; the new Act cuts the list down by half. The list of improvements which the tenant can carry out after notice to the landlord has now risen from one item to nine. Included in the nine is " the provision of electrical equipment other than moveable fittings and appliances." The impact of statute law upon the relations of landlord and tenant is further illustrated by s. 8 : " the occupation by a landlord, for the purpose of personally residing thereon, of a holding being his only landed estate, shall not be a reasonable cause in respect of which the Land Court may authorize resumption by the landlord of a holding."

Better marketing arrangements are essential for British agriculture. An Act for the grading and marking of produce was passed in 1918. In 1931 an amending Act (c. 40) extends the previous provisions to " fishery produce " as well as " agricultural produce " and widens the definition of both. Agricultural produce was formerly defined merely as including horticultural produce. Orders made under the 1928 Act dealt with such varied wares as eggs, fruit, vegetables, cider and home-killed beef, but there was a doubt if they could apply to a substance like jam. The new definition covers " all produce of agriculture or horticulture . . . all articles of food or drink wholly or partly manufactured or derived from such produce . . . and fleeces and the skins of animals." Another doubt is removed by allowing a power to charge for cost of labelling and marking. Lastly as the National Mark (or something like it) had been used by industries outside agriculture, there is an improved protection for that mark and for " grade designations " in general.

A further step towards standardization and organization is taken by the Agricultural Marketing Act (c. 42), the State intervening because voluntary co-operation among farmers is a plant of precarious vitality. This Act arranges for the framing of marketing schemes after due notice, opportunity of objection and inquiry. The schemes will require not only departmental approval, but also an affirmative regulation of both Houses of Parliament. Boards consisting of registered producers will administer the schemes. Polls can be held to decide whether a scheme shall remain in force. The Act sets out lists of the permissive and obligatory features of schemes. A scheme may empower a board to buy the regulated product and to sell, grade, pack, store, adapt for sale, insure, advertise and transport the product itself or any commodity made therefrom. It may require registered producers to sell only to or through the board ; it may regulate grading, marking and storage, and may enable the board to " encourage agricultural co-operation, research and education." Students of this kind of law will look to see how the producers are to be kept in line. The scheme may require a producer to furnish estimates, accounts and returns ; it may even empower authorized

persons to enter and inspect land and premises in order to see what the producer is doing. The scheme must, amongst other things, require the board to " impose on, and recover from, any registered producer who contravenes any provision of the scheme . . . such monetary penalties as may be specified by the scheme." There must also be provision for arbitration at the instance of any producer aggrieved by any act or omission of the board. Boards are to be financed by a levy on their members ; they may lend to producers and they may borrow. Agricultural Marketing Funds are to be established for England and Scotland in order to lend public money to boards administering schemes, on recommendations from " Agricultural Marketing Facilities Committees." There is provision for short-term and long-term loans. A long section faces the effect of schemes on contracts and allows recourse to the courts.

The interests of the public must not be ignored in this regimentation of agriculture. The Minister of Agriculture is therefore directed to appoint a " consumers' committee " to consider and report upon the effect of schemes and to look into consumers' complaints. Three " committees of investigation " (for Great Britain, England and Scotland respectively) will examine reports from the consumers' committee or other complaints ; if they find something " contrary to the interests of consumers of the regulated product or . . . of any persons affected by the scheme," and " not in the public interest," the Minister may amend or revoke the scheme. Finally there are to be Agricultural Marketing Reorganization Commissions (for Great Britain, for England and for Scotland) who must prepare schemes for regulating the marketing of such agricultural products as the Minister may direct. They will investigate any point arising out of the preparation or operation of a scheme, as required, and will make recommendations for promoting co-operation. By these various steps Parliament gives statutory authority to a new planning of agriculture.

A more direct and compact measure is the Improvement of Live Stock (Licensing of Bulls) Act (c. 43), which seeks to eliminate the scrub bull by a restrictive system of licences and permits. The licence is granted for keeping the bull for breeding, the permit for keeping it for any other purpose. There is a right of appeal to a referee against the refusal of a licence. The Minister may order slaughter or castration of bulls which have neither licence nor permit. A restrictive scheme has been in force in Ireland for some years with the result that England has been a market and a refuge for rejected Irish animals. The Act provides means of stopping the further importation of such animals which the draftsman avoids referring to as " Irish bulls." There is a slip in the last sentence of s. 3, where " subsection (5) " is evidently meant to be " subsection (6)." The explanation is an eleventh-hour amendment of the earlier part of the section.

There remains to be mentioned, among direct aids to agriculture, a fresh arrangement for subsidizing home-grown beet. The British Sugar Industry (Assistance) Act (c. 35) provides further help for specified companies. The formula for advances and the rules for calculating the " minimum price of beet," the " relevant market price " and the " basic price " are inevitably intricate.

The September Crisis.—The departure from the gold standard required brief legislation which was hurriedly passed on September 21, 1931, the Bank of England having warned the Chancellor of the Exchequer that

foreign depositors were withdrawing gold in large quantities. The Gold Standard Act of 1925 in part obliged the Bank to sell gold bullion on demand at the price of £3 17*s.* 10½*d.* per standard ounce, provided that the sale took the form of 400-ounce bars. The amending Act (c. 46) suspends the obligation (until otherwise directed by Royal Proclamation) and indemnifies the Bank for having anticipated the suspension during the past three days. The Act also empowers the Treasury in wide terms to make " orders authorizing the taking of such measures in relation to the exchanges and otherwise as they may consider expedient for meeting difficulties arising in connexion with the suspension of the gold standard." This latter provision, enacted for six months and afterwards continued, mentions no penalty. Infringement of the orders would presumably be dealt with as a common law misdemeanour, but Parliament doubtless felt it could rely on the loyalty of the City.

In case the depreciation of sterling should raise food prices, the Foodstuffs (Prevention of Exploitation) Act (c. 51) warns the profiteers. If " by reason of the action of any persons in exploiting the present financial situation " there is likelihood of " any shortage of, or any unreasonable increase in the price of, any article of food or drink of general consumption," the Board of Trade may make regulations as deemed necessary or expedient. The scope of the regulations, backed by summary penalties, seems wide enough to cover any kind of food control.

To balance the budget and restore confidence increased taxation was accompanied by trenchant reductions in the country's expenditure. The National Economy Act (c. 48) authorizes the making of Orders in Council to inflict cuts in five named services (education, health insurance, police, unemployment insurance and roads) and in the remuneration of " persons in His Majesty's Service." Here a technicality had remarkable consequences. S. 32 (3) of the Interpretation Act declares that a statutory power to make rules, regulations or by-laws imports a further power to revoke or vary them ; but this provision does not apply to orders. The National Economy Act contained no express power to vary or revoke the Orders in Council ; thus, although the power to make the Orders could be exercised for one month only, the Orders when made stand with all the force of permanent law until varied or revoked by another Act of Parliament. In this element of permanence they go far beyond anything done under war-time Defence of the Realm legislation or under the Emergency Powers Act of 1920.

Cuts in the pay of the defence forces or the civil service could be made by prerogative authority without statute. The judges' pay, protected in the past by declarations of high constitutional significance,[1] was fixed by statute and could be altered only by another statute or by such Orders in Council as were in this emergency being given the force of a statute. Some critics argued that judges were not for this purpose " persons in His Majesty's Service." Others regretted that the judges' pay should not be immune from fluctuations of a possibly political kind. But no statutory salary escaped. The Orders in Council overrode Acts of Parliament by the dozen. As will be seen in the last paragraph of this summary, expenditure on what are called the social services was drastically revised.

Taxation and the Finance Acts.—Already, before the September crisis,

[1] See 1 Geo. III, c. 23, repealed by 42 & 43 Vict., c. 59 ; and see the passage in s. 3 of the Bill of Rights (12 & 13 Will. III, c. 2), repealed by 44 & 45 Vict., c. 59.

the Labour Government's budget was exploring fresh sources of taxation. Taking shape in the usual Finance Act (c. 28), it involves raising the customs duty on hydrocarbon oils, increasing the surtax on incomes over £2,000, and catching for the current financial year an estimated gain of ten millions by rearranging the payments of income-tax. The Income Tax Act of 1918 (embodying a concession contained in s. 33 of the second Finance Act of 1915) allowed payment in two equal instalments on January 1 and July 1: the Chancellor of the Exchequer now varies this arrangement by demanding three-quarters of the tax in January and the balance in July. Other miscellaneous provisions deal with the taxation of motor vehicles, exempt from death duties any land given to the National Trust, prolong the currency of savings certificates and transfer to the Commissioners of Inland Revenue the power to appoint collectors of taxes in England outside the City of London. The most controversial item was the new "land value tax" imposed by Part III of the Act and justified by the Chancellor as an assertion of the right of the community to the ownership of the land. This tax was not to be charged until the financial year 1933–4,[1] when it was to be at the rate of 1*d.* for each £ of land value. Meanwhile the Inland Revenue was to ascertain the land value of every land unit, namely "the amount which the fee simple thereof with vacant possession might have been expected to realize upon a sale in the open market on the valuation date." It is to be assumed that there are no buildings, erections or works on the land except (i) roads, (ii) works for agricultural purposes, and (iii) buildings, erections or works necessary for land reclamation or flood prevention "or for maintaining the stability of the unit." It is also to be assumed that nothing is growing on the land unit except grass, heather, gorse, sedge or other natural growth or, on agricultural land, hedges and trees. Where the unit comprises agricultural land, the cultivation value is to be ascertained as well as the land value. It was conceded that agricultural land, where not likely to change its character, would in effect escape tax because the land value is reduced by the amount of the cultivation value. To meet the objection that the new tax was a duplication of the income-tax, non-agricultural land units are assessed at a land value reduced by either (*a*) four times the annual value of the unit for income-tax purposes or (*b*) seven-eighths of the land value of the unit, whichever is the less. There are exemptions for publicly owned land, land belonging to the National Trust, to railways or other public undertakings or to housing associations with limited profit, and land set aside as playing-fields (if used mainly or exclusively for open-air games or recreations other than polo, coursing or horse, dog, motor or motor-cycle racing), public parks and open spaces, churchyards and burial-grounds and so on. To devise the machinery for this new taxation must have set the draftsman as harassing a task as that which his predecessor faced in the land value duties imposed by the Finance (1909–10) Act, 1910. The Parliament Act of 1911, a sequel to that earlier struggle, was not forgotten now. The new land valuation proposals, inserted within the framework of a Finance Bill which the speaker certified as a "Money Bill," were safe from attack in the House of Lords.

The September crisis meant a second Finance Act. The Finance (No. 2) Act (c. 49) increases the entertainment tax and the duties on beer, tobacco and hydrocarbon oils, raises the income-tax from 4*s.* 6*d.* to 5*s.* in the £ and adds 10 per cent. to the surtax which had been steepened

[1] For the postponement in 1932 see 22 & 23 Geo. V, c. 25, s. 27.

only a few weeks before. A group of nine sections, dealing with the 5 per cent. War Loan 1929–47, gives a plain warning that conversion is to be attempted.

Other financial provisions of the session may be briefly mentioned. There are two Appropriation Acts (cc. 29 and 50) and two Consolidated Fund Acts (cc. 1 and 10). The short titles of the latter break the usual rules by introducing the calendar year only to ignore it. The Acts are called the " Consolidated Fund (No. 1) Act, 1930 (Session 2) " and the " Consolidated Fund (No. 2) Act, 1931." Purists would point out that it was needless to label the 1930 Act " No. 1 " ; it was passed in December and no " No. 2 " Act of 1930 was to follow. They would also protest that the words " session 2 " are an otiose qualification of the calendar year, and that the " No. 2 " Act of 1931 is thus christened although there is no " No. 1 " Act of that year. The explanation is that the Treasury is thinking of its financial year, not of the twelve months which begin on January 1. The annual Public Works Loans Act (c. 47) is in the usual form. The Post Office and Telegraph (Money) Act (c. 20), authorizing a grant of 32 millions for postal, telephone and telegraph development, also follows precedent. The Isle of Man Loans Act (c. 38) extends the purposes for which the island may borrow, thus enabling it to provide such capital sum as may be necessary to discharge the liability which the Isle of Man Government has accepted to contribute to the United Kingdom Government in respect of the cost of the late war. The Isle of Man (Customs) Act (c. 34) is mainly concerned to continue duties imposed by the enactments of previous sessions. By following the simple method skilfully devised by the draftsman in the previous year, the continued duties and the relevant enactments are neatly tabulated in a single section.

Crime and Punishment.—In spite of its title, the Sentence of Death (Expectant Mothers) Act (c. 24) puts an end to the death sentence in the case of pregnant women. As such a sentence is never carried out, it was high time to make the solemn forms of justice conform with fact as well as with public opinion. The previous law allowed execution to be stayed on allegation that a woman convicted of murder was quick with child. A jury of matrons was empanelled ; if they confirmed her statement, capital punishment was postponed until after the birth of the child and in practice was never inflicted. The new law abolishes the death sentence in such cases and substitutes one of penal servitude for life—which again does not mean what it says. Though the jury of matrons is dispensed with, the question of pregnancy is still left to a jury (usually the trial jury); it might well have been left to the decision of the medical practitioners by whose evidence the jury will presumably be guided. There is a right of appeal against a verdict of non-pregnancy.

Statistics show that less use is made in Scotland than in England of the machinery of placing offenders on probation. The 1907 Act left probation officers in Scotland to be paid for by the local authorities. Consequently in some areas none were appointed, in others they were appointed but had to work for nothing. The Probation of Offenders (Scotland) Act (c. 30) directs their appointment in large burghs and counties (save where the Secretary of State thinks it unnecessary) with salaries and superannuation allowances in part met from an Exchequer grant. Each probation area is to have a probation committee, which must include at least one woman.

In the matter of Sunday observance the tide of public opinion and practice has left certain unrepealed enactments high and dry. For over thirty years London had its Sunday concerts without the managers of the premises being penalized, as an Act of 1780 contemplates, for keeping a disorderly house. With some slight encouragement from the courts [1] the old restrictions were disregarded. The advent of the cinema intensified the illegality. In licensing cinemas the London County Council formally reminded the licensees that they must not open on Sunday; but it also let them know that, if they opened on Sunday, it would not prosecute, provided that certain specified conditions (such as the contribution to charity of a proportion of the takings) were obeyed. Early in 1931 the Court of Appeal confirmed a decision that this attitude was illegal. It thus appeared that Sunday cinemas were at the mercy of common informers who could sue for penalties at the rate of £200 a day. To give time for consideration the Sunday Performances (Temporary Regulation) Act (c. 52) legalizes for a year the existing arrangement. To head off the common informer, no fresh proceedings are to be taken without consent of the Attorney-General or Solicitor-General. There was already power for the Home Office to remit penalties, but this did not enable the remission of costs. The Act gives the law courts a free hand as to costs where the common informer had already begun his action.

Local Government.—After the revolutionary changes in English and Scottish local affairs made by the big Acts of 1929, there is a lull. A short Education (Local Authorities) Act (c. 6) deals with the prospect that the contemplated rearrangement of county areas in England would, by altering local units of population, bring into existence more boroughs with over 10,000 inhabitants and more urban districts with over 20,000. Such new boroughs and districts would automatically become local education authorities for elementary education in view of the Education Act of 1902, undisturbed in this respect by the Act of 1921. The new Act prevents the dislocation which might have occurred if many such new units had made inroads on the educational responsibilities previously discharged by county councils. The Local Authorities (Publicity) Act (c. 17) enables boroughs and urban districts in England, and towns in Scotland, to contribute, to the extent of a halfpenny rate, to an approved central organization for disseminating overseas information as to the amenities and advantages of the British Isles "whether commercial, historical, scenic, recreational, curative or climatic." The object is the attraction of visitors from abroad.

When county councils were created in England by the great Local Government Act of 1888, Parliament decided that the clerks of these new bodies should be the existing clerks of the peace of counties. The latter hold an ancient office involving duties in respect of county records and of judicial work in courts of quarter sessions. The clerkship of the peace was a freehold for life. Thus it befell that the clerk of a county council, appointed by standing joint committee, was deemed to hold a freehold office; he could not be dispossessed for age or infirmity or even for misconduct unless his misdeeds affected the council's business.[2] The Local Government (Clerks) Act of 1931 (c. 45) interferes with this arrangement. In future there is a separation of the clerkship of the peace from the clerkship of the county council. The county council (not standing joint

[1] See *Williams* v. *Wright* (1897) 13 T.L.R. 551.
[2] See *Lord Leconfield* v. *Thornely*, [1926] A.C. 10.

committee) will appoint to the latter and quarter sessions will appoint to the former. There is, however, machinery for securing that, on a vacancy in the clerkship of the county council, the appointed candidate (if suitably qualified, willing and acceptable) may also become clerk of the peace. Both kinds of clerks will in future vacate office if they become incapable through infirmity of mind or body of discharging their duties with efficiency ; they will in any event go at 65, subject to special provisions for extension and for existing clerks. Misconduct in the office of clerk of the peace, or such other misconduct as renders him an unfit or proper person to hold that office, will justify dismissal ; but the dismissed clerk will have a right of appeal to the High Court. Other provisions are added as to the appointment, pay and tenure of deputy clerks, as to office staff and as to custody of county records and other consequential matters.

Housing.—In 1926 Parliament enabled the repair and reconstruction of houses for rural workers to be helped by grants from the State and from local authorities. This advantage, more readily used in Scotland than in England, is now continued for five years (c. 22) with the support of former opponents. Another Act (c. 39) encourages the new construction of houses " for agricultural workers and persons of substantially the same economic condition, that is to say, persons whose incomes are, in the opinion of the council concerned, such that they would not ordinarily pay rents in excess of those paid by agricultural workers in the council's district." This Housing (Rural Authorities) Act enacts that the Minister of Health, on the recommendation of an advisory committee and with the approval of the Treasury, may make special contributions for forty years towards the expenses of rural district councils in this new housing campaign. There is a time limit for applications ; the local authorities must prove that they cannot build without the grant ; the Minister may attach conditions to his contributions, and there is machinery for limiting rents. The Act applies to Scotland with appropriate modifications.

Labour and Employment.—A short and temporary Coal Mines Act (c. 27) gives a breathing-space for further industrial negotiations. It removes the limit on the number of days per year on which hours of work below ground may be extended under s. 3 of the Coal Mines Regulation Act, 1908. It restricts such extensions to half an hour on any one day. It temporarily maintains minimum percentage additions to basic rates of wages and subsistence wage rates. The Mining Industry (Welfare Fund) Act (c. 23) extends for a further five years the levy of 1*d.* per ton on the output of all coal mines. This tax has produced nearly a million pounds a year since 1920 for expenditure on the miner's social well-being, recreation and education and on technical research.

A miner's litigation [1] led to a change in the law of workmen's compensation. Bevan suffered from miner's nystagmus, an industrial disease which counts as an accident in the course of employment. Unfitted by his disability for his old work at the coal face, Bevan was still fit for light work on the surface, but no such work was available. Were men in his situation to be deemed still suffering from their industrial disease or accident and to be compensated as for total incapacity ? Or, since the employer could not be blamed for the state of the labour market, must they lose because of the lack of the light employment of which they were still capable ? In *Cardiff Corporation* v. *Hall*, ([1911] 1 K.B. 1009) the

[1] See *Bevan* v. *Nixon's Navigation Co.*, [1929] A.C. 44.

decision went against the workman. S. 16 of an Act of 1923 (reproduced as s. 9 (4) of the consolidating Act of 1925) was meant to assist him, but the decision in Bevan's case showed that the assistance was unreal. The new Act (c. 18) awards compensation as for total incapacity to men in Bevan's situation if (i) they would probably be able, but for the continuance of their injury, to obtain work in the same grade in the same class of employment as before their accident, and (ii) their failure to obtain work is wholly or mainly a consequence of the injury. Such awards are not to be made if the judge thinks the man has not taken all reasonable steps to get work. They will cease to operate if he receives unemployment benefit.

Continuing a dismal series, three Unemployment Insurance Acts (cc. 3, 8 and 25) successively raise to 70, 90 and 115 millions the limit on the amount of advances by the Treasury to the Unemployment Fund which may be outstanding during the deficiency period when, owing to the continuance of disastrous trade depression, the system of insurance does not pay its way. Two of these Acts also extend the period during which transitional benefit is payable. Yet another Unemployment Insurance Act (c. 36), temporary in duration, deals with abuses or " anomalies " in the light of the interim report of a recently appointed Royal Commission. There were four classes of recipients concerned: (*a*) those who usually work less than a full week and yet receive more substantial earnings than others who work the full week in the same occupation or district, (*b*) seasonal workers, (*c*) intermittent workers, and (*d*) married women. The treatment of these matters raised acute political controversy. Whether for this reason or otherwise, Parliament decided to hand them over to the Minister of Labour to be dealt with by departmental regulations imposing such additional conditions and terms for the receipt of benefit, such restrictions on the amount and period of benefit and such modifications of the statutory provisions for determining claims for benefit as the Minister (after consulting a new Advisory Committee) may think fit. There is a further power to make schemes for industrial transference to promote employment. The final subsection elaborates the usual interpretation clause. This is not the end of the unemployment insurance legislation of the session, for sweeping changes are made by two Orders in Council, mentioned later (p. 16), made under the National Economy Act.

Health Insurance and Contributory Pensions.—The National Health (Prolongation of Insurance) Act (c. 5) prevents certain unemployed persons from falling out of the insurance system. *Inter alia*, they must prove that, when not employed, they either were available for but unable to obtain work or else were incapable of work through specified disease or through some duly notified bodily or mental disablement.

Widows' pensions under the Contributory Pensions Act, which took effect at the beginning of 1926, were not available where the husband had died before that date. An Act of 1929, intending to provide pensions for these pre-1926 widows, still omitted to include certain groups—for instance, the widows whose husbands had reached the age of 70 before 1926 and therefore were outside the insurance scheme. A new Act (c. 19) gives these widows their pensions with retrospective effect.

Domestic Relations.—Private members' Bills do not always have so smooth a passage into law as the Marriage (Prohibited Degrees of Relationship) Act (c. 31). It widens the breach made by the Deceased

Wife's Sister's Marriage Act in 1907 and the Deceased Brother's Widow's Marriage Act in 1921 in the old exogamic principle which treated the relations of one spouse (whether by affinity or consanguinity) as the relations of the other. The new Act legalizes eight fresh categories of marriage, enabling a man to marry his niece or aunt by marriage and enabling a woman similarly to marry her uncle or nephew by marriage. The concession is retrospective and a consequential amendment is made in a section of the Supreme Court of Judicature (Consolidation) Act, 1925, which relates to the remarriage of divorced persons.

The Adoption of Children (Scotland) Act (c. 37) fills up a gap in an Act of the previous year which had legalized adoption in Scotland. The 1930 Act said that the allowance for an adopted child under the Contributory Pensions Acts should be available only if the child was formally adopted during the lifetime of both spouses. By this restriction certain widows with adopted children lost the benefit of the allowance. The amending Act extends the allowance to the surviving spouse of an insured person where an existing *de facto* adoption is converted into a formal statutory adoption within a year.

Transport.—In classifying vehicles the Road Traffic Act of the previous session had so rigidly defined a " contract carriage " as to make trouble for the owner of a trading or agricultural lorry who allowed it to be used for carrying boy scouts or girl guides to their camps or for taking the local cricket team to its destination. An amending Act (c. 32) removes this difficulty. It also remedies an oversight in the previous Act wherein the Scottish application clause had referred *per incuriam* to a wrong section. S. 100 (*e*) purported to make some special adaptation of s. 90 in relation to Scotland. Unfortunately at the eleventh hour Parliament upset the numbering by inserting a new section in the middle of the Act so that the old s. 90 was now s. 91. This is one of the risks of the method, otherwise convenient and desirable, of referring to a previous section by number rather than by subject.

Ancient Monuments.—The Ancient Monuments Act (c. 16) enlarges the scope of an Act of 1913. The public had been aroused by quarrying operations which threatened the amenities of Hadrian's Wall and it remembered that the preservation of Stonehenge itself had been powerless to protect the surrounding skyline. The new Act enables H.M. Commissioners of Works to prepare preservation schemes for " controlled areas " round ancient monuments. Other new provisions extend the powers of maintenance, guardianship and investigation—including excavation, subject to consents. The receipt of voluntary contributions is authorized as well as the charge of fees for admission, apparently a matter of dubious legality heretofore. The 1913 Act defined " monument " as including any structure or erection other than an ecclesiastical building used as such. The new Act enlarges the definition to cover also any " other work, whether above or below the surface of the land . . . and any cave or excavation."

Professional Regulation.—To improve the status and training of architects and so to raise the standard and practice of the profession, Parliament in 1931 applies the familiar device of registration but gives no monopoly. The Architects (Registration) Act (c. 33), interestingly drafted and exhibiting the comparative rarity of a short title clause at the beginning, shows a private member's Bill at its best. It creates four bodies. There is to be a Council to set up and maintain a register of

" registered architects," an Admission Committee to consider and report upon applications for registration, a Board of Architectural Education to recommend what examinations should be held or recognized as providing the necessary qualification for registration and a Discipline Committee to examine and report upon allegations that a registered person has been " guilty of conduct disgraceful to him in his capacity as an architect." Thus the Act avoids the old-fashioned epithet in the phrase " infamous conduct in a professional respect " familiar in the enactments affecting medical practitioners, dentists and apothecaries. The persons entitled to be registered are those who satisfy the Council (on report of the Admission Committee) that they belong to one of four classes :—(*a*) architect members of the Royal Academy or Royal Scottish Academy, (*b*) pre-1932 practising architects who apply before 1934, (*c*) persons who pass recognized examinations in architecture, or (*d*) persons who possess qualifications prescribed by the Council's regulations. An architect's name may be removed from the register on conviction of a criminal offence or on the Discipline Committee's report of conduct disgraceful to him in his capacity as architect. A person aggrieved by the removal of his name, or by a determination that he be disqualified for registration during any period, has a right of appeal to the High Court. In this respect the precedent of the dentists, the veterinary surgeons and the solicitors has been followed, rather than that of the medical practitioners who have no such right of appeal. Although the registered architect will have no statutory monopoly of practice, he has a monopoly of the name or title of " registered architect." No unregistered person may practise under that name or title. An unregistered person who breaks this rule or who wilfully pretends to be a registered person or takes or uses any name, title, style or description implying that he is registered, may be fined £50 on summary conviction for the first offence and £100 thereafter. This is a more substantial penalty than the fine under s. 40 of the Medical Act. Retention fees and other matters may be prescribed by regulations of the Council subject to approval by the Privy Council. At least half the total of the year's fees must be devoted to scholarships and maintenance grants for students whose means are inadequate. There is a saving for a body corporate, firm or partnership which carries on business under the style or title of registered architect if (*a*) its business as respects architecture is under the control and management of a superintendent who is a registered person and who acts for only one such body corporate, firm or partnership at a time, and if (*b*), in premises where such business is carried on and is not personally conducted by the superintendent, such business is *bona fide* conducted under the superintendent's direction by an assistant who is a registered person. Lastly it is declared that the Act shall not apply to Northern Ireland unless an Order in Council so provides after resolution of both Houses of the Parliament of Northern Ireland. Such an Order in Council was duly made and thereupon the Act becomes one which the Belfast Parliament is free to amend.

Miscellaneous.—There is the usual Expiring Laws Continuance Act (c. 4). The House of Lords successfully insisted on an amendment to include among the continued enactments the Dyestuffs (Import Regulation) Act, 1920, which was otherwise on the point of expiring.

A slight miscalculation makes it necessary to amend the Acquisition of Land (Assessment of Compensation) Act of 1919. The official arbitrators for assessing compensation (where land is taken for public purposes)

were to be whole-time officers. The expectation that they would be kept busy was falsified as respects Scotland. The amending Act (c. 11) removes the restriction preventing the official arbiters in that country from engaging in private practice.

The Metropolitan Police (Staff Superannuation and Police Fund) Act (c. 12) improves the position of certain employees at Scotland Yard and in police courts who were not covered by existing enactments. It also alters the machinery by which the responsible financial officer (known as the Receiver) makes payments. Arrangements for counter-signature of cheques are simplified. The moneys he receives, instead of being lodged in the Bank of England, may now be paid into local bank accounts in banks more conveniently situated.

The Cunard Steamship Company wanted to build two large steamers for the American traffic. One of them would cost perhaps 4½ millions and it was doubtful if the insurance could be absorbed in the ordinary market. Without giving any financial assistance or subsidy, Parliament authorizes an agreement whereby the Board of Trade takes over the insurance of such part of the value of the vessels as the company cannot arrange in the open market on reasonable terms (c. 2).

Local Acts.—The 112 Local Acts deal with gas, water and electricity supply, railway, canal and harbour facilities and such varied topics as the investments of Liverpool University, the preservation of London squares and the reorganization of the Salvation Army and its property. As usual, they show many towns and counties setting up standards in advance of those applicable to the country as a whole. Thus in half a dozen places food poisoning becomes a notifiable disease ; in the county of Surrey there are advanced new powers for controlling camping sites and campers ; in Brighton speed-boats, a possible source of nuisance by noise and otherwise, come under supervision. Brighton is to be congratulated on having achieved a consolidation of the whole of its local law in a new statute which occupies over 400 pages.

Church Assembly Measures.—Seven Measures, passed by the Church Assembly and submitted for the Royal Assent on resolutions by both Houses of Parliament, receive the force of Acts. Two concern the Channel Islands which, ecclesiastically as well as civilly, retain a special independence as part of William the Conqueror's domains. The Islands, once within the diocese of Coutances and afterwards in that of Salisbury, are now annexed to the diocese of Winchester. Hitherto they have had no representation in Convocation or in the Church Assembly save through the Bishop of Winchester ; the Assembly's Measures have not applied to them. The Channel Islands (Church Legislation) Measure and the Channel Islands (Representation) Measure (Nos. 4 and 5 of the session) alter this situation. In future any Measure which expressly declares that it may be applied to the Islands (or to Jersey or Guernsey separately) may be so applied by Order in Council after procedure which ensures that the Bishop will first consult the Decanal Conferences of the Islands and that the final proposal is submitted, through the Home Office, for the opinion of the States. The Islands are now to be represented in the Church Assembly by persons elected at Decanal Conferences to sit in the House of Laity.

Independent in a less degree, the diocese of Sodor and Man is sometimes excluded from the scope of Church Assembly Measures. Thus the 1926 scheme of bishops' pensions did not apply to the diocese until a Measure (No. 1) of the session under review made the necessary extension.

These pensions are in part financed from the resources of the Ecclesiastical Commissioners. The latter are authorized by another Measure (No. 2) to lend money (or guarantee loans) for expenditure on Church of England Training Colleges. By yet another (No. 6) the Commissioners are empowered to extend to whole-time chaplains of prescribed religious establishments and institutions the benefits of a 1928 Measure which allowed grants to be made to unbeneficed clergy.

The Benefices (Exercise of Rights of Presentation) Measure (No. 3) modifies the lay patron's hitherto unfettered power to appoint a parson to a parish for life without regard for the views of the parishioners. The new Measure requires that a vacancy or impending vacancy must be notified by the bishop to the parochial church council, which may then make representations to the patron as to the conditions, needs and traditions of the parish but may not propose any particular candidate for the vacancy. Within thirty days after notification the council may pass a resolution which will place it in a position to object to a particular appointment. The patron will have a right of appeal first to the bishop, who may (or, if required by either side, must) consult an advisory body on which local clergy and local laymen are represented, and secondly to the archbishop.

The Cathedrals Measure (No. 7), drafted after careful study of the conditions and requirements of English cathedrals, establishes a body of Cathedral Commissioners who will frame schemes for revising the constitutions and statutes of cathedral churches and for administering and applying their property and revenues. In so doing, the Commissioners are to work under the Church Assembly, to bear in mind the report and recommendations of a recent inquiry, to have regard to the history and customs of the cathedral churches, and to consult the local "consenting bodies," *i.e.* the bishop of the diocese, the dean and chapter, and, in the case of the newer cathedrals (usually developed from parish churches), two representatives of the parochial church council. There are two changes for which consents are not required. The first is the compulsory transfer to the Ecclesiastical Commissioners of all land forming part of the endowment of a cathedral church, except the site and fabric of the church itself, residence houses and adjacent property. Here a fixed income will be a valuable compensation. The second is the prospective reconstitution, or even the dissolution, of the "minor corporations" (vicars choral, priest vicars or other similar bodies); their property and duties will be transferred to the cathedral chapter or the Ecclesiastical Commission. Among other reforms all subordinate freehold offices will be abolished, and the relations of a bishop to his cathedral church will be better defined, the bishop becoming the visitor. Thus, if many picturesque survivals are to disappear, many causes of friction will also be removed and the life of the cathedral churches will be quickened by a sympathetically devised modernization.

Delegated Legislation.—There are 1,178 Statutory Rules and Orders for the calendar year 1931. The public general rules and orders occupy 1,441 pages of the annual volume and deal with the usual subjects of education, health insurance, housing, London traffic, merchandise marks, mines, motor vehicles, rules of court, and so on. The Census Order requires information in excess of the items prescribed by the enabling Act. There are copious new regulations under the Land Drainage Act. The Therapeutic Substances Regulations are a good example of the

technical legislation which Parliament is well advised to delegate. Factory and Workshop Acts regulations deal with conditions in the asbestos, building, chromium plating, refractory materials and shipbuilding industries. There is an Asbestos Industry (Asbestosis) Scheme under the Workmen's Compensation Acts ; there are silicosis schemes for the metal grinding, sandstone and various other industries, and a scheme for medical arrangements for silicosis and asbestosis.

Under the heading of unemployment insurance there are not only the Anomalies Regulations (which give effect to the Royal Commission's Report), but also two Orders in Council flowing from the National Economy Act. One of these substitutes for the provisions in existing Acts new rates of contribution and new rates of benefit. The other deals with the conditions of transitional payments replacing benefit ; it increases the Minister of Labour's powers to make regulations and enables him to supersede any local authority or body which does not properly carry out its duties under the Order. Another National Economy Order in Council, the Statutory Salaries Order, makes a 20 per cent. cut in all salaries of £5,000 and over, a 10 per cent. cut in those from £2,000 to £5,000 and a cut of a prescribed percentage not exceeding 10 per cent. in salaries under £2,000. Another of these Orders in Council abolishes section 2 (4) of the Pensions and Yeomanry Pay Act, 1884, which gave the soldier a statutory right to receive pension at the rate fixed at the time of his enlistment. Another curtails certain allowances to the police. Others deal with education in England and Scotland (reducing grants for elementary education and modifying agreements as to teachers' salaries), health insurance and expenditure on roads. As explained on an earlier page these National Economy Orders in Council cannot be altered save by a fresh Act of Parliament. As usual, the annual volume of Statutory Rules and Orders contains a table showing how far the rules and orders have interfered with, or applied, Acts of Parliament.

2. JERSEY.

[*Contributed by* C. W. Duret Aubin, Esq., *H.M. Solicitor-General for Jersey.*]

During the year 1931 thirteen Acts of the States of Jersey received the Royal sanction and became laws, and eight permanent " Règlements " which did not require such sanction were placed upon the Statute Book. One Order in Council applying to the Island two measures of the National Assembly of the Church of England, approved by Parliament, was also registered.

Of the above enactments the following only are of other than purely local interest :

Arbitration.—Law L-40, making applicable to this Island the provisions of the Act of Parliament " Arbitration (Foreign Awards) Act 1930 " (20 Geo. V, c. 15).

Motor Traffic.—" Règlement " L-44, giving effect in Jersey to the International Convention relating to Motor Traffic made in Paris on April 24, 1926.

Church Measures.—Order in Council of October 26, 1931 (L-48), directing the registration in Jersey of 21 & 22 Geo. V, No. 4, " The Channel Islands (Church Legislation) Measure, 1931," and 21 & 22 Geo. V, No. 5, " The Channel Islands (Representation) Measure, 1931."

3. NORTHERN IRELAND.

[*Contributed by* Sir Arthur S. Quekett, K.C., LL.D.]

The third session of the third Parliament of Northern Ireland lasted, with successive adjournments, from March 3, 1931, till February 18, 1932. Twenty-six public general Acts and eight local Acts were passed.

Agriculture.—The Marketing of Fruit Act (c. 8) is an experiment in agricultural development which gave rise to much discussion both before and after its passing into law. Part I of the Act aims at standardizing the output of Ulster-grown fruit in the markets of Great Britain and the Isle of Man. It prohibits the sending of fruit to those countries except by a person who has received from the Ministry of Agriculture a licence or a permit. The licence-holder must comply with the Ministry's rules as to the standard of quality, grading, packing and marking of the fruit; the licence must be annually renewed, but may be revoked or suspended by the Ministry for non-compliance with the conditions, or for any other reason which the Ministry may deem sufficient; the fee for the granting or renewal of a licence is £1. The permit, as distinct from the licence, may be granted by the Ministry for consignments of fruit sent out of the country by the grower, or sent for bottling, canning or manufacturing purposes, or for experimental or other exceptional purposes. Officers of the Ministry may enter premises and examine consignments. Power is given to these officers, and to the police, to seize and detain fruit consignments which contravene the Act or the rules. The provisions of this part of the Act may be applied by rules of the Ministry to the sending of fruit to the Irish Free State, but apart from such rules, those provisions are not enforceable as respects fruit consigned to that country, except where a consignment is ultimately intended for shipment to Great Britain or the Isle of Man. Small consignments of fruit, not exceeding a prescribed weight, are exempt from Part I of the Act.

Part II of the Act deals with the sale of home-grown fruit in Northern Ireland. It enables "grade designations" and "grade designation marks" to be adopted, as may be done in Great Britain in pursuance of the Agricultural Produce (Grading and Marking) Act, 1928. S. 12 in this part of the Act deals with the practice of "topping"—that is to say, placing good fruit on the top of a package with inferior fruit underneath; it makes this an offence, for which a fine not exceeding £20 may be imposed on summary conviction. Under this section "all fruit sold, or offered or exposed for sale, by wholesale or retail in a container shall be packed in such manner that any fruit exposed to view, or which would be exposed to view if the container were opened in the ordinary manner, fairly represents in size, maturity, condition and variety the entire contents of the container." The Ministry of Agriculture can also make rules prescribing conditions governing the sale of any particular class of fruit in containers. The question of preventing "topping" had previously been dealt with in Dominion legislation. A Canadian provision prohibited the sale, or offer for sale, of fruit "in any package in which the faced or shown surface gives a false representation of the contents of such package," and a false representation was declared to occur "when more than 10 per cent. of such fruit is smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such package." The Northern Ireland statute is similar to the New Zealand method of dealing with the practice.

The Act empowered the Governor in Council to fix appointed days for the various provisions. These were all brought into force on November 1, 1931, except that the operation of Part I was confined to apples.

The Marketing of Eggs Act (c. 7) forms an addition to a series of existing enactments for keeping up the standard of quality of eggs. The wholesale dealers' licence is divided into two classes—A and B. The class A licence relates to the purchase of eggs and their disposal after having been tested, graded and packed in accordance with the rules of the Ministry of Agriculture. The class B licence only covers transactions as between one wholesale dealer and another. The Act also sets up a registration of premises owned or occupied by licensed wholesale dealers in eggs, and requires that permits shall be obtained from the Ministry by persons, other than licensed wholesale dealers, who propose to send eggs to Great Britain, the Irish Free State or the Isle of Man in consignments of 300 eggs or over.

The Agricultural Research Station Act (c. 20) confirms an agreement with the Agricultural Research Institute which was established by statute in the year 1927 (17 & 18 Geo. V, c. 1). The agreement permits the Institute to use and occupy a specified part of the lands of the Great Park at Hillsborough instead of another part, of which the Institute had the use and occupation under the 1927 enactment.

Electricity Development.—At the close of the 1930 session Parliament passed an interim Act (20 & 21 Geo. V, c. 21) under which the Ministry of Commerce took the first steps towards co-ordinating the supply of electrical energy in Northern Ireland. In the earlier part of the following year the proposals of the Ministry took definite shape in the Electricity (Supply) Act (c. 9).

As already foreshadowed, Part I of the Act set up a non-profit-earning public authority called the Electricity Board for Northern Ireland. The Board is to consist of not less than two, nor more than five, members appointed by the Minister of Commerce. Members of either House of the Northern Ireland Parliament are disqualified for appointment to the Board, and members of the Board must, within three months from appointment, divest themselves of any shares which they may hold in an electrical undertaking. The duty of the Board is to promote, co-ordinate and improve the supply, distribution and sale of electricity in accordance with the provisions of the Act. Part I provides for the setting up by the Minister of Commerce of an advisory committee for giving advice and assistance on matters connected with the general improvement and development of the supply of electricity. The Minister appoints the members of this committee, but most of them are to be appointed upon nomination by interested bodies, such as county councils, councils of boroughs and urban districts having a population of more than 10,000, the Association of Municipal Authorities, the Association of Rural District Councils and the Associated Chambers of Commerce. Representation is only to be given as respects areas in which the Electricity Board are distributing, or propose to distribute, electricity. Thus the size of this advisory committee will increase according as the Board extends its distributing operations under the powers conferred by the Act.

Part II of the Act entrusts the Electricity Board with the duty of preparing development schemes, having as their object the promotion, co-ordination and improvement of the supply, distribution and sale of electricity as respects the particular " development areas " to which such

schemes relate. For the South-Eastern Area a scheme of electricity development had already been recommended in an expert's report presented to Parliament and published, and that area is to be regarded as a "development area" determined under the Act. When a development scheme has been confirmed by the Ministry of Commerce, the Electricity Board become authorized undertakers for the supply and distribution of electricity within the development area, except so far as it is within the area of supply of any undertakers already having powers under the Electricity (Supply) Acts. The Board may compulsorily acquire electricity undertakings within a development area, and also the property of any non-statutory undertakers, and the business carried on by them, within such an area.

Part III of the Act sets out the powers which may be exercised by the Board as respects any area, whether or not a development scheme has been made for the area. These powers relate to various matters, such as the purchase of bulk supplies by authorized undertakers from the Board; the closing of generating stations; the supply of electricity to power users; the constitution of the Board as authorized undertakers by Special Order of the Ministry of Commerce; the compulsory acquisition of land; the acquisition and use of main transmission lines; the sale and letting on hire of electric lines, fittings, apparatus and appliances for lighting, heating and motive power.

The financial arrangements are laid down in Part IV of the Act. A separate fund is created, and into this fund the receipts of the Board are to be paid, whilst it is to defray the salaries, fees and superannuation allowances, and all other expenses, incurred by the Board. The charges made by the Board for electricity sold, or for services rendered, must be fixed at such rates that the revenue will be sufficient, and no more than sufficient, to balance the expenditure. The Board receives borrowing powers up to £1,000,000, and this limit may be extended by a further £500,000 if the Ministry of Commerce, after consulting the Ministry of Finance, gives a direction to that effect. Money may be borrowed by means of the issue of "electricity stock." The Ministry of Finance may give a guarantee falling upon the Consolidated Fund of Northern Ireland, in respect of the interest and principal of loans raised by the Board, but a guarantee so given remains in force only for a period of five years after the establishment of the Board.

Part V of the Act contains the detailed provisions as to the compulsory acquisition of undertakings, arbitration as to the terms of acquisition and compensation to officers who may lose employment or undergo alteration in their terms of employment.

Various amendments of the Electricity (Supply) Acts, 1882 to 1919, are made by Part VI of the Act. Some of these follow the legislation passed for Great Britain in an Act of 1922, and other enactments which came into operation after the constitution of Northern Ireland had been set up. Of these amendments special mention may be made of s. 37, which replaces s. 22 of the Act of 1919 by a comprehensive provision embodying the later amendments made in Great Britain. The object of the section is to provide a simple and speedy procedure for the settlement of questions arising between authorized undertakers and owners and occupiers of property, as to the placing and retention of electric lines and ancillary works, above or below ground, across any land. Where an objection has been made, the proposal cannot be carried out unless

the Ministry of Commerce gives its consent, and the Ministry is given power to give its consent " either unconditionally or on such terms and subject to such conditions and stipulations as it thinks just." These words were taken from s. 22 of the Act of 1919, and it has been held, in a recent English case upon that section, that they do not include pecuniary terms.[1]

Provision is made in Part VII of the Act as to various matters of administration. The Electricity (Supply) Act of 1919 established for Great Britain and Ireland a body of Electricity Commissioners having important powers and duties, such as the granting of Special Orders for electrical undertakings. The Commissioners were not to exceed five in number, and three of them were to be selected for practical, commercial and scientific knowledge, and wide business experience, including that of electrical supply. When the electricity administration was transferred, as respects Northern Ireland, to a new Parliament and Government, the functions of the Minister of Transport were assigned to the Ministry of Commerce, and the enactment as to Electricity Commissioners was adapted by omitting so much of it as required technical qualifications to be possessed by any of the Commissioners. The functions of the Northern Ireland Commissioners were performed by officials of the Ministry of Commerce until the Act of 1931 was passed. S. 56 of this Act abolishes the Commissioners and transfers their powers and duties to the Ministry of Commerce, as from a day [2] to be appointed by the Minister. Under the former enactments, Special Orders made by the Electricity Commissioners required confirmation by the Ministry of Commerce after a definite interval of time for the making of objections and holding of inquiries. Under the present procedure the Special Order is made by the Ministry in the first instance, but is subject to reconsideration in the same manner as Orders previously made by the Electricity Commissioners.

Land Drainage.—Under an Act of 1929 (20 Geo. V, c. 20) the Ministry of Finance was charged with the carrying out of arterial drainage works for reducing flooding on Lough Neagh and the River Bann. The statute provided that the major share of the expenses of the drainage scheme should be paid out of moneys voted by Parliament. The Drainage Act, 1931 (c. 25), funds these expenses by putting them upon the Consolidated Fund, to be raised by borrowing and to be repaid within a maximum period of twenty-five years.

The Act of 1925 (15 & 16 Geo. V, c. 24) made each county council a drainage authority as respects lands within their county. Under s. 2 of the 1931 Act urban district councils are empowered to make annual or other contributions towards the expenses of carrying out or maintaining drainage works undertaken by a county council.

The Legislature has made various attempts to secure that agricultural lands shall not be flooded by reason of neglect, on the part of the responsible person, to keep clear the watercourses running through the lands. An Act of 1842 (5 & 6 Vict., c. 89) enabled Drainage Commissioners in Ireland, after notice, to do the necessary work at the expense of the person " liable by prescription or otherwise to scour out or cleanse " the watercourse. The Northern Ireland Act of 1925, when constituting the county councils as drainage authorities, enabled them to take similar action as respects the same class of person. In practice it was soon found

[1] See *West Midlands Joint Electricity Authority* v. *Pitt and Others*, [1932] 2 K.B.1.
[2] The appointed day was June 1, 1931.

—perhaps owing to transfers of proprietorship from landlords to tenants under the Land Purchase Acts—that it was not possible to establish liability. A new procedure was set up by the Act of 1929, so that the notice to cleanse a watercourse can be served upon any person who " appears to be liable by prescription or otherwise " to do the work, and that person can have his liability determined by the county court. A further difficulty then arose as to the recovery by county councils of their expenses in carrying out the cleansing of watercourses under this procedure. The 1929 Act enacted that the expenses of the county council " shall, if they so determine, be a debt due to the county council by the said person, and be recoverable from him in a summary manner." In *Fermanagh County Council* v. *Parker* the Northern Ireland Court of Appeal decided, by a majority, that these words prevented the county council from suing for the expenses by civil bill in the county court. The 1931 Act gives a wide discretion as to the taking of proceedings. It provides for the recovery of the expenses before a court of summary jurisdiction without prejudice to any other remedy ; and also it makes available those special remedies to which recourse may be had under the general law for the recovery of poor rate.

It may be noted, in passing, that the Drainage Act of 1842 enabled parties in Ireland, whose lands were injured by the neglect of embankments or watercourses, to require the neglecting proprietors or occupiers to maintain or cleanse them. As respects Northern Ireland, this enactment was repealed by the Act of 1925. As respects England and Scotland similar provisions find a place in the statute book of 1930.[1]

Planning Schemes, Unhealthy Areas and Dwellings, and Building By-laws.—The Planning and Housing Act (c. 12) is a composite measure dealing with three separate but cognate matters.

Part I of the Act relates to " town and country planning," though it discards this popular phrase in favour of something more academic, namely " plans for the development or re-development of land." Planning schemes may be made as respects any land with the general object of securing proper sanitary conditions, amenity and convenience in connexion with the laying out and use of the land, and of any neighbouring lands, or in connexion with the re-development of the land if already developed. It will thus be seen that the schemes can deal with areas already built upon and developed, and not only with undeveloped land. A planning scheme can also be made, if the Ministry of Home Affairs gives authority, with the object of preserving the existing character, and of protecting the existing features, of a locality to which special architectural, historic or artistic interest attaches. The local authority concerned with planning schemes is, as respects a borough or urban district, the council of the borough or district, and, as respects a county (not being a county borough), the county council ; but a rural district council can, subject to certain necessary consents, act as the local authority as respects their rural district. The preparation of a planning scheme must be accompanied by the usual notices and publication at various stages, and the scheme does not come into force unless approved by the Ministry of Home Affairs. Any person whose property is injuriously affected by the coming into operation of a planning scheme is entitled to claim compensation, and can go before the arbitrator under the Acquisition of Land (Assessment of

[1] See 20 & 21 Geo. V, c. 20, s. 1, and c. 44, s. 57. *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. ii, pp. 11–12.

Compensation) Act, 1919. Conversely, provision is made for the recovery by the local authority, from persons whose property is increased in value by a planning scheme, of one-half of the amount of the increase ; questions as to " betterment " charges can be determined by the arbitrator in the same way as questions as to compensation. Part I of the Act contains a special procedure (s. 13) under which the local authority may require that an " unsightly and dilapidated structure, not being an occupied dwelling-house," shall be either removed or rendered sightly within a specified time. The local authority may appoint an advisory committee (s. 15) consisting of persons having special knowledge and experience of matters relating to plans for the development of land, architecture, archæology and similar subjects. A general duty is also imposed (s. 14) upon local housing authorities to have regard to the amenities of the locality, the beauty of the landscape or countryside, and the desirability of preserving existing works of architectural, historic or artistic interest. Land in the near neighbourhood of the Government properties at Hillsborough and Stormont cannot be included in a planning scheme or acquired for the purpose of such a scheme except after prior consultation with the government departments concerned (s. 20).

Part II of the Act sets up new powers and procedure with respect to the clearance and improvement of unhealthy areas and the demolition or repair of insanitary dwelling-houses. The local authority may declare an area to be a " clearance area " if they are satisfied that the dwelling-houses in the area are, by reason of disrepair or sanitary defects, unfit for human habitation, or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants, and that the other buildings (if any) in the area are, for a like reason, dangerous or injurious to health, and if they have come to the conclusion that the most satisfactory method of dealing with conditions in the area is the demolition of all the buildings therein. They will then proceed to clear the area by means of a " clearance order." When a clearance order has become operative, no land to which the order applies can be used for building purposes, or otherwise developed, except subject to such restrictions and conditions as the local authority may by notice think fit to impose. Before taking action as to a clearance area, the local authority must undertake to carry out such re-housing operations as the Ministry of Home Affairs may consider to be necessary. Part II contains some amendments of Parts I and II of the Housing of the Working Classes Act, 1890 (which is an existing law in force in Northern Ireland), in connexion with improvement schemes for unhealthy areas and the demolition of insanitary houses. Part II of the 1931 Act also lays down a standard of fitness for human habitation for the purpose of its various enactments by requiring that, in determining whether a house is fit for human habitation, regard must be had to the extent, if any, to which, by reason of disrepair or sanitary defects, the house falls short of the provisions of any by-laws in operation in the district.

The object of Part III of the Act is to strengthen the existing law under which new buildings are regulated by by-laws of the sanitary authority. The power to make such by-laws resides in the sanitary authority by virtue of s. 41 of the Public Health (Ireland) Act, 1878, as extended by s. 23 of the Public Health Acts Amendment Act, 1890. The former enactment applies to all sanitary authorities, whether urban or rural, but is permissive and not mandatory. The amendment of 1890 is

not only permissive, but depends upon specific adoption by a local authority. The Act now under review imposes upon every sanitary authority the duty of making building by-laws, submitting them to the Ministry of Home Affairs for confirmation, and enforcing them within its district if and so far as confirmed. The sanitary authority will be deemed to have complied with this duty if and so long as it is enforcing in its district building by-laws duly made and confirmed, and being in the opinion of the Ministry satisfactory. Where the local authority is in default, the Ministry may make any by-laws which the sanitary authority has power to make, and those by-laws will have effect and must be enforced by the sanitary authority within its district.

The various parts of the Act equip the local authority with drastic powers, capable of affecting private property and rights in the interests of the public health. At the same time the Act makes provision whereby the action of the local authority may be reviewed by the courts of law on appeal.

The most important of the appeal provisions is s. 45, which enables a person aggrieved by a planning scheme made under Part I of the Act, or by a clearance order under Part II, to question the validity of the scheme or order by an application to the Supreme Court, on the ground that the scheme or order is not within the powers of the Act, or that any statutory requirement has not been complied with. A scheme or order is not to be questioned except in accordance with this special procedure. An appeal must be lodged within six weeks after publication of notice of the approval or confirmation of the scheme or order. If within the six weeks no appeal is lodged, the order becomes operative. When an appeal is lodged, the Court may suspend the operation of the scheme or order by an interim order, and, upon hearing of the application, may quash the scheme or order if satisfied that it is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by non-compliance with any statutory requirements. Similar clauses have been inserted in measures applicable to Great Britain, notably in s. 11 of the Housing Act, 1930, 20 & 21 Geo. V, c. 39.[1] A party dissatisfied with the arbitrator's award of compensation or " betterment " charge under certain provisions of Part I of the Act has an appeal to the county court where the award does not exceed £1,000, and to the Supreme Court if the award is above that sum (s. 46). Parties aggrieved by various operations under Part II of the Act have an appeal from the local authority to the county court, with a further appeal to the Supreme Court on a point of law.

Appeals to the Supreme Court under the Act are to be heard by such division or court as may be designated in rules made by the Supreme Court Rule-making Authority.

Housing Subsidy.—Since the year 1923 the Ministry of Home Affairs has possessed power to make grants to persons or bodies of persons constructing houses, and to local authorities undertaking housing schemes. Subsequent enactments have from time to time varied the conditions governing the subsidy. The Housing (Grants) Act (c. 4) fixed the subsidy at the rate of £50 for the time being. To rank for this subsidy, a house had to be of the kitchen or small parlour type with minimum dimensions of 500 superficial feet in rural districts and 550 superficial feet elsewhere, and maximum dimensions of 700 superficial feet.

[1] A judicial interpretation of that section will be found in the case of *Re Bowman South Shields (Thames Street) Clearance Order*, 1931, [1932] 2 K.B. 621.

Child Welfare.—The Children (Amendment) Act (c. 5) gives effect to some recommendations of a Departmental Commission on Local Government by making further provision for the protection of child life. Part I of the Children Act, 1908, dealt with the case of children under the age of seven years, and required persons undertaking their nursing and maintenance to give notice to the local authority of the reception of any such child within forty-eight hours *after the reception*. The new Act raises the age of children in respect of whom this notice must be given from seven years to fourteen years. It also provides for the giving of forty-eight hours' notice *before the reception* of the child, and the notice must include certain particulars as to parentage. A person who proposes to undertake the nursing and maintenance of any such child must obtain the written sanction of the local authority in advance. The Act brings " day nursing " under the control of the local authority. " Day nursing " is described as meaning the care and custody of a child elsewhere than in the home of the parent or guardian of the child and during the hours of employment of such parent or guardian. Any person undertaking day nursing must obtain the sanction of the local authority, who is given power to appoint visitors for the purpose of inspecting premises where day nursing is carried on.

Compulsory Education.—C. 13 amends the Education Acts (Northern Ireland), 1923 to 1930, in the matter of compulsory school attendance. One of the defences in a prosecution taken against a parent for failure to cause his child to attend school was that attendance at any school, not necessarily a school approved as efficient by the Ministry of Education, was sufficient to satisfy the statutory requirements. The effect of the amendment is to require attendance at some approved school.

Workmen's Compensation.—C. 16 provides for payment of compensation on the basis of total incapacity in the case where a workman, who has so far recovered from an injury (arising out of and in the course of his employment) as to be fit for employment of a certain kind, has failed to obtain such employment, and it appears to the county court judge either : (i) that, having regard to all the circumstances it is probable that the workman would, but for the continuing effects of the injury, be able to obtain work in the same grade in the same class of employment as before the accident ; or (ii) that his failure to obtain employment is a consequence, wholly or mainly, of the injury.

Social Services.—Under the National Health Insurance Act, 1928, a person ceasing insurable employment was entitled to a " free period " of insurance varying from eighteen to twenty-four months in duration, and then an " extended year " (during which benefit was payable at half rates) if such person was genuinely unemployed and had at least 160 contributions and four years in insurance since his last entry. The rights of insured persons in Northern Ireland were temporarily preserved by regulations. By two Acts of the Session under review (c. 6 and c. 23) provision was made for the further continuance in insurance and benefit of the persons who would otherwise lose their right to health insurance and pension benefits, and for the payment by the Exchequer to approved societies of contributions for the members so continued. C. 6 also gives to the Ministry of Labour a power to make regular inspections of the administration of approved societies. Apart from the financial audit, no provision was made in the Health Insurance Acts for such inspection, and

the Ministry's powers of control were not effective until after specific maladministration had occurred.

The enactments relating to Widows', Orphans' and Old Age Contributory Pensions are amended in minor details by c. 17. That Act removes certain doubts which had arisen in the interpretation of the expression " normal employment " for the purposes of the Act of 1929. Provision is also made for the payment of pensions to a limited class of widows for whom it was intended to provide by the Act of 1929, but who were inadvertently omitted from the provisions of that Act.

The Unemployment Insurance Acts (c. 1 and c. 15) authorize further extensions of the " transitional " period during which unemployment benefit may, under certain conditions, be paid, although thirty contributions have not been paid by the claimant in the past two years. These provisions were substantially modified, for financial reasons, by Orders in Council made under the Economy Act (c. 11).

Protection of Birds.—The Bill for the Wild Birds Protection Act (c. 14) was introduced in the Senate by a private member and was successful in passing through both Houses. Its purpose was to consolidate, simplify and amend the law relating to the protection of wild birds. The foundation of the code was a short Act of 1880, upon which the amending Acts of the years 1881, 1894, 1902, 1904 and 1908 were successively grafted. Need for consolidation and simplification undoubtedly existed, and there was also room for amendment in the direction of increased protection for wild birds and their eggs and nests.

The Act of 1880 scheduled for protection more than eighty species of wild birds, many of them unknown to the ordinary citizen, and established a close season (March 1 to August 1) for the shooting or taking of those wild birds. The Northern Ireland Act of 1931 protects wild birds in general, and enumerates the exceptions in a short list. It gives special protection to birds, and their eggs and nests, according to three categories: Category I gives protection at all times ; Category II gives protection at all times, subject to a right to the owner or occupier of land to kill or take birds (but not their eggs or nests) when necessary to protect his crops, game, fisheries or property from damage ; Category III gives protection to the birds during the close season (March 1 to August 12) and to their eggs and nests at all times.

The Minister of Home Affairs is given power to make orders altering the classification set out in the Act, and to add birds to the Act for special protection thereunder. He may also vary or revoke the time for special protection, and may create " bird sanctuaries " by placing all wild birds within a particular district into Category I. A Wild Birds Advisory Committee is to be appointed by the Minister to advise him upon the administration of the Act and upon projected schemes for the protection of wild birds. Grouse, partridge, pheasant, heath or moor game, black game, snipe, and woodcock are excepted from the definition of " wild bird."

The Act contains a group of provisions for the general protection of birds. Certain methods of snaring, taking or confining birds are made illegal. The Act prohibits the killing and taking of wild birds on Sunday (except for property protection) and the shooting of birds released from captivity for that purpose. The enactments as to confined birds and shooting captive birds include " domestic " birds within their scope, and are transferred from a more general Act of 1926 (16 & 17 Geo. V, c. 29).

Government Guarantee for Loans.—C. 2 amends the series of Acts under which the Ministry of Finance may give guarantees in respect of loans for undertakings calculated to promote employment in Northern Ireland. The maximum limit of the guarantees is fixed at £13,000,000, and the method of ascertaining this limit is based on the principle of a "revolving credit." Previously the limit was the gross figure, but under this Act it is to be related to the net amount outstanding after taking into account guarantees which have ceased to operate, and repayments to the Exchequer in respect of sums previously paid out in fulfilment of guarantees. Power is also given to the Ministry to borrow money so as to provide the Consolidated Fund with the means of meeting temporary payments, that is, sums paid out in fulfilment of guarantees which are likely to be reimbursed to the Exchequer. The time within which the power of giving guarantees can be exercised receives a further extension, and the power is still operative under an enactment of the 1932 session.

Valuation of Rateable Property.—The Valuation Acts Amendment Act (c. 26) is based to a large extent upon recommendations which were made by a Departmental Committee on Valuation which sat in the year 1924, and were endorsed in 1931 by a Committee which reported on the Financial Relations between the State and Local Authorities. The Committee of 1924 reported as follows :

> The most important period in the development of the existing system was entered upon in 1852, when a Valuation Act was passed superseding all previous Acts. The valuations made under this Act are known as "Griffith's Valuation." With only minor alterations this is still the basis of our valuation system to-day. . . . Distinct bases of value for agricultural lands and for buildings are laid down in the Act of 1852. The annual value of agricultural land is to be an estimate of the net annual value, having regard to the following schedule of prices (set out in the Report), and to all the local circumstances affecting each particular piece of land, assuming that the tenant pays all rates, taxes and public charges (except tithe rent-charge). . . . Houses and buildings are valued, as in their actual state, on an estimate of the rent for which, one year with another, the property might reasonably be expected to let from year to year, the probable average annual cost of repairs, insurance and other expenses (if any) necessary to maintain the hereditament in its actual state, and all rates, taxes and public charges, if any (except tithe rent-charge), being paid by the tenant. No basis for the valuation of rateable subjects other than houses is mentioned in the Valuation Acts, but case law has established that the method of their valuation should follow that described in the Act for valuing houses and buildings. Provision was made for keeping the valuation up-to-date after it had been originally ascertained. . . . The subsequent general history of this provision can be briefly told. . . . The general result produced is that since 1852, with the exception of Belfast, which was revalued in 1900–1906, properties which had appreciated in value, apart from structural alterations or additions, have escaped revision of valuation.

The Committee which sat in 1931 recommended a revaluation of buildings, but not of agricultural land. The latter step, in their view, was rendered unnecessary by "de-rating."

The amending Act provides for the quinquennial making of a general revaluation of rateable property. Agricultural land and agricultural buildings are to remain outside the scope of general revaluation, but special provision is made for the annual revision of their valuation. The local rate is to be struck upon the revaluation lists as issued, notwith-

standing that appeals upon those lists may be pending. The decisions upon pending appeals are to be made effective by subsequent adjustment.

The Act makes a series of amendments in the general law as to valuation. Land other than agricultural land is to be valued upon an estimate of the net annual value in the manner applicable to the valuation of houses and buildings. The " half rent "—which is now assessable where a rent is derived from exempt property—is to cease to be a rateable hereditament. The particulars to be inserted in notices of appeal are more definitely laid down than under the previous enactments. Collectors of poor rate must, for the purposes of the annual revision, include in the list all hereditaments, the value of which in their opinion may require revision, whether for any of the reasons mentioned in the previous enactments, or for the reason that there has been a change in the user of the hereditament, or in the character of the locality where the hereditament is situate, or for any other reason (whether similar or not to those already mentioned) affecting the valuation of the hereditament.

Some improvements in the details of administration are effected by the Act. It also makes a small increase in the annual sums payable by counties and county boroughs in respect of the expenses of the annual revision, and a specified portion of the expenses of each general revaluation is charged upon those areas. Rateable hereditaments occupied by railway companies for the primary purposes of their railway undertakings were placed outside the scope of the Act, and special provisions were applied to them by a measure of the following Session.

Financial Legislation.—The crisis in public finance, which led to the formation of a National Government for the United Kingdom, had its reactions upon the charges to be borne by the Northern Ireland Exchequer. The Northern Ireland Government adhered to the policy of keeping social services in a state of parity with those in Great Britain, and this made it necessary for them to take power to effect economies in expenditure falling to be defrayed out of public moneys for the purposes of the National Health Insurance and Unemployment Insurance services. The summer recess of Parliament was accordingly shortened by an emergency summons; an Economy Act (c. 11) was passed in the month of September, similar to the United Kingdom measure; and Economy Orders were subsequently made under the Act by the Governor in the Privy Council of Northern Ireland.

The Finance Act of the year (c. 24) does not increase local taxes, but is confined to amendments of revenue law. As regards death duties on property subject to an annuity which has been surrendered, the law, as declared in the case of the *Attorney-General* v. *Lane Fox*, [1924] 2 K.B. 498, is amended as was done in Great Britain by s. 39 of the Finance Act, 1930. The enactments relating to the exemption from death duty of objects of national, scientific, historical or artistic interest are clarified by a comprehensive section. An evasion of stamp duty is aimed at by an enactment which provides that an instrument guaranteeing payment of the rent reserved on a letting of lands or tenements shall be liable to stamp duty as a lease, unless lease duty has been paid on some instrument relating to the same letting. An alteration is made in the definition of " dealer " in s. 42 of the Finance Act, 1920, which relates to reduction of stamp duty in the case of certain transfers of stock and marketable securities. The Act authorizes the transfer of a sum of £100,000 to the Rating Relief Suspense Account, and also a transfer of £120,000 from the

Road Fund to the Exchequer. The Ministry of Finance is empowered to make temporary advances to the Road Fund. Provision is made for extending the currency of Ulster savings certificates and for issuing other securities in exchange for such certificates.

The Government Loans Act (c. 22) makes provision, for the first time, for the writing-off of sums from the assets of the Government Loans Fund. This step is comparable to that which is taken periodically in the United Kingdom Parliament in reference to the Local Loans Fund.

By c. 1 and c. 15 the limit of the borrowing powers of the Unemployment Fund is raised to £2,600,000. Provision is made, however, by an Order in Council under the Economy Act, that borrowing shall cease when this limit is reached, and that thereafter any deficit in the Unemployment Fund shall be made good from the Exchequer out of current revenue.

Architects Registration Act applied to Northern Ireland.—An Act was passed at Westminster to provide for the registration of architects (21 & 22 Geo. V, c. 33) as the result of the efforts of private members in several sessions. During the negotiations and discussions which took place from time to time upon this measure, it was recognized that the area of registration ought to consist of the United Kingdom as a whole. An interesting problem then arose; the registration of architects was a matter within the powers of the Northern Ireland Parliament, but the passing of separate Acts for Great Britain and Northern Ireland would not achieve the desired unity of administration under a single Council, representative of the various interests throughout the United Kingdom. The problem was solved in a manner which affords a constitutional precedent. It was enacted (s. 18) that the Act should not extend to Northern Ireland unless and until it should be so provided by Order of His Majesty in Council made in pursuance of a resolution passed by both Houses of the Northern Ireland Parliament, and that the Act, as so extended, should be capable of future alteration by that Parliament. The commencement of the Act was fixed for January 1, 1932; before that date arrived, the local Parliament had passed the appropriate resolution and the Order in Council was made (S.R. & O. 1931, p. 69).

4. IRISH FREE STATE (SAORSTÁT ÉIREANN).

[*Contributed by* A. Denis Pringle, Esq., *Barrister-at-Law.*]

Public Acts passed—56.

Constitution.—Probably no statute passed by a popular legislature has ever contained such fundamental changes in the law relating to the liberty of the subject as the Constitution (Amendment No. 17) Act (No. 37). The full title of the Act is "An Act to amend the Constitution by inserting therein an Article making better provision for safeguarding the rights of the people and containing provisions for meeting a prevalence of disorder," and the Act itself consists of only two sections, but, under this seemingly innocent title, and in this apparently simple Act, there are embodied some provisions of a drastic and startling character contained in the Schedule, which consists of thirty-four sections, grouped into five parts. The first part by s. 1 enacts that Parts II to V are only to come into and continue in force under an order of the Executive Council.

Part II deals with the establishment, procedure and jurisdiction of the special tribunal to be set up under the Act, consisting of five officers of the Defence Forces not below the rank of commandant. The powers of this tribunal are of the widest possible character, for by s. 7, whenever the tribunal finds any person guilty of any of the offences set out in the Appendix (which, as well as offences under the Treasonable Offences Act, 1925, the Juries (Protection) Act, 1929, and the Firearms Act, 1925, includes seditious libel, and any offence whatsoever which an Executive Minister certifies to the best of his belief to have been committed "with the object of impairing or impeding the machinery of government or the administration of justice"), the ordinary sentence presented by law may be increased to any greater punishment (including the penalty of death). The extent of these powers is seen when one looks at s. 6(5), which provides that no appeal shall lie from any order of the tribunal, nor shall any order of the tribunal be removed by certiorari to any court. S. 7(5) enacts that no coroner's inquest shall be held in relation to a death occasioned by the execution of a sentence of death pronounced by the tribunal. The trial of persons awaiting trial before the ordinary courts may, on the application of an officer of the Civic Guards, be transferred to the tribunal, and the tribunal is given drastic powers to deal with contempt of court (s. 5(3)) and perjury (s. 9).

The powers given to the police under Part III of the Schedule are of the most extensive nature, for under s. 13 they are given power to arrest, and under s. 14 power to detain, on suspicion, while by s. 15, when a person is arrested on suspicion he may be searched, photographed, his finger-prints taken, and made to account for his movements during any specified period. With regard to the quantum of suspicion necessary before an arrest on suspicion can be made, it is provided by s. 13(5) that a statement on oath in a court of justice by a member of the Civic Guards that he suspected the person arrested shall be conclusive evidence, incapable of being rebutted or questioned by cross-examination that he did so suspect the person arrested.

Part IV deals with unlawful associations, and provides that the Executive Council may declare any association to be unlawful. Membership of an unlawful association is an offence triable by the tribunal (s. 20).

Under Part V (s. 24) the Executive Council is given wide authority to proclaim public meetings, and by s. 25 the Governor-General is vested with unique powers in the event of a member of the Dail or Senate either being killed, unlawfully imprisoned or prevented by intimidation from attending the sittings of the House of which he is a member. In such a case the Governor-General may (on the advice of the Executive Council) appoint such person as he may think proper, having regard to the known opinions of such member, to take his place, or he may adjourn either or both Houses for a period not exceeding one month. Further powers are given to the tribunal by ss. 26 and 27, the former enabling it to declare any book, periodical, poster, pamphlet or other document to be seditious, and the latter giving it power to close any building on the ground that it has been, or is being, used for the purpose of the commission of any of the offences specified in the Appendix.

A party to an action in which a member of the Civic Guards is a defendant is precluded from having the case tried by a jury (s. 28), and lastly it is provided that persons convicted by the tribunal shall forfeit

any office or employment remunerated out of the Central Fund, and any pension, and shall be disqualified for seven years from holding any such office (s. 31).

While this Act is undoubtedly the most important one passed during the year, a number of other matters of note were dealt with by the Legislature.

Land.—The Land Act (No. 11) is an important addition to the Land Purchase Code, and was passed for the express purpose of expediting the vesting of holdings in the tenant-purchasers. It provides for the publication by the Land Commission from time to time of lists of vested holdings (s. 9), which, if not varied, vest the holdings in the Land Commission on "the appointed day." On the publication of these lists, the tenants are deemed to have entered into purchase agreements, and on the appointed day they are at once credited with certain advantages, *e.g.* reduction of their rents, and the redemption period then begins to run. The holdings are then vested in the tenants by vesting orders (s. 12). Sub-tenants obtain advantages under s. 15, by which it is provided that the Land Commission shall declare sub-tenants on vested holdings to be deemed tenants of their holdings, and they thus obtain the same benefits as tenants. S. 16 provides for the validation of certain subdivisions and sub-lettings made in breach of statutory or other conditions. The purchase-money is paid by the issue of Land Bonds as soon as the lists of vested holdings are published, and the money is distributed after the title is read, but before full investigation, persons overpaid having to refund the overpayment, provision being made for a guarantee deposit. It is also provided that dividends on Land Bonds can be paid out, pending distribution of the purchase-money (s. 36). The Land Commission is given additional powers in respect of conferring water rights (s. 38) and turbary and rights of way (s. 39), and by s. 39, where a tenant has openly enjoyed any grazing or turbary on the lands of his landlord since before the passing of the Land Act, 1923, without objection, the Land Commission may declare the enjoyment of such grazing or turbary to be a right appurtenant to the holding of such tenant. Owners of land held under fee-farm grant or long leases are given power to apply to the Land Commission under s. 44 to have their holdings vested in the Land Commission and resold to them, subject to certain conditions as to the user of the lands and the rent payable, and to the holding not being required for the relief of congestion.

Finance.—The Finance Act (No. 31) continues income-tax at 3*s.* in the £ and surtax as in 1930 (but by a subsequent Act (No. 41) income-tax is increased to 3*s.* 6*d.* in the £). Duty is put on certain oils and the duty on sugar increased, moneylenders are required to be licensed (s. 19) and the rates of estate duty are increased (s. 27). The Customs Duties (Provisional Imposition) Act (No. 38) was passed to give the Executive Council power to deal with "dumping" or other threatened industrial injury.

Courts of Justice.—The Courts of Justice Act (No. 1) raises the age limit for retirement of a circuit judge from seventy to seventy-two years, and the Courts of Justice (No. 2) Act (No. 40) was passed as a result of the decision of the Supreme Court in *Quinn and White* v. *Stokes and Quirke*, 1931, 1 R. 358, 558, dealing with circuit court costs, pending the issue of the Rules. The Act enables the Taxing Master to tax such costs on any scale which he thinks proper and validates costs already taxed.

Sweepstakes.—The application of the Act of 1930 is extended by the Public Charitable Hospitals (Amendment) Acts (Nos. 24, 49 and 51) by including certain other hospitals, and by providing for one-third of the available surplus to be applied for the benefit of poor-law hospitals, and for part of such surplus to be applied for nursing organizations.

Legitimacy.—Act No. 13, permitting legitimation *per subsequens matrimonium*, brings the law of Saorstát Éireann into line with that of most other European countries. S. 1 provides that, where the parents of an illegitimate person marry or have married before the passing of the Act, the marriage shall render that person legitimate, either from July 1, 1931, or the date of the marriage, whichever be the later date. Legitimated persons are entitled to take any interest (*a*) in the estate of an intestate dying after the date of legitimation, (*b*) under any disposition coming into operation after the date of legitimation, and (*c*) by descent under an estate in tail created after the date of legitimation. By s. 9, where the mother of an illegitimate child dies intestate, leaving no legitimate issue, the illegitimate child is entitled to take any interest in the mother's estate to which he would have been entitled if legitimate, and a similar provision is made for the case of an illegitimate person dying leaving his mother him surviving. The succession to any dignity or title of honour is expressly excluded from the purview of the Act by s. 10.

Sea Fisheries.—Act No. 4 provides for the vesting in the Sea Fisheries Association of certain fishing boats and gear, the property of the Minister for Lands and Fisheries. Part III (s. 9) prohibits the sale of fresh fish without a licence, and the suitability and cleanliness of retail fish shops are dealt with in Part IV of the Act.

Town Tenants.—The Landlord and Tenant Act (No. 55) is one of the most important Acts passed during the year, replacing, as it does, the Town Tenants Act, 1906, and giving to tenants in urban and other areas substantial new benefits. The Act contains 63 sections and, briefly stated, its main features are as follows: (1) It applies to "tenements," which if in an urban area consist of land covered wholly or partly by buildings (provided the land is subsidiary to the buildings), or if situate elsewhere consist of land not exceeding an acre with a house thereon. (2) It gives compensation for improvements to tenants who are compelled to quit their holdings otherwise than for non-payment of rent. (3) It gives, in certain specified cases, a tenant a right on the determination of his tenancy to obtain from his landlord a new tenancy, the terms of which, in default of agreement, are settled by the court.

The right to obtain a new tenancy is given (*a*) to a tenant of business premises held under an existing tenancy for a life or lives, for one year or longer, or a yearly tenancy, or to a tenant in occupation of such premises by himself or his predecessors for seven years, provided he has carried on business continuously for three years previous to the determination of his tenancy; (*b*) to a tenant who can show thirty years' occupation by himself or his predecessors (other than purchasers for valuable consideration); (*c*) to a tenant proving fifteen years' occupation by himself and his predecessors, where the reversion does not exceed three years; and (*d*) to a tenant who can prove that improvements have been carried out to an extent which would account for half the letting value of the tenement. (4) The Act gives compensation for disturbance in certain cases of business premises; (5) allows the granting of reversionary leases to building and proprietary leases the terms of which can be settled by agreement, or in

default by the court, and (6) gives substantial benefits to tenants who hold tenements as defined by the Act under restrictive covenants. By s. 56 where a covenant restricts or prohibits alienation, either generally or in a particular way, it is to have effect as if it contained the words "without the consent of the lessor," and these words must be interpreted, whether in the lease itself or in the Act, as if they were followed by the further words "such consent must not be unreasonably withheld," and similar provisions are introduced in respect of covenants restrictive of user, and covenants against making improvements.

Tourist Traffic.—The Tourist Traffic (Development) Act (No. 15) empowers local authorities to enter into agreements with tourist traffic development companies for the payment of local contributions for the purposes of such companies, provided that such contributions do not add in the case of county councils more than 1*d.*, and in the case of other authorities 3*d.*, in the £ to the rates. Local authorities are also empowered by the Act to advertise health and pleasure resorts within their districts.

Agriculture.—Act No. 8 dissolves the Department of Agriculture and Technical Instruction for Ireland, and vests its powers in the Minister for Agriculture. Part II provides for the setting up of county committees of agriculture, to be appointed by county councils for the preparation of annual schemes for the purposes of agriculture and other rural industries. Where the Minister for Agriculture declares a county to be one in which it is desirable that a forestry scheme for the preservation of existing woods should be put into effect, the county committees are charged with the preparation and operation of such a scheme. Land vested in the Forestry Commissioners is transferred by s. 45 to the Minister.

Pharmacopœia. The Pharmacopœia Act (No. 22) makes the British Pharmacopœia for the time being the Pharmacopœia of Saorstát Éireann, but the Medical Registration Council is empowered by rule to make such modifications therein as it may think fit. By s. 4 it is made unlawful to compound medicines, except according to the formularies of the Pharmacopœia.

Betting.—Act No. 27 makes several drastic changes in the existing law, repealing, as it does, the Betting Act, 1926. By s. 4 a certificate of personal fitness is necessary before a bookmaker can obtain a licence, and similar provisions are contained in s. 10 in respect of the suitability of a bookmaker's premises. Restrictions on the use of registered premises are contained in s. 20, among them being permitting overcrowding, "shouting the odds," displaying betting lists, and paying out winnings during the progress of the meeting at which such winnings are made. S. 22 prohibits the taking of bets under 1*s.*, and s. 23 betting with a person under 18 years of age. Loitering outside or near betting premises is made an offence by s. 30, and the Act contains a prohibition against advertisements relating to betting on football. It is unlawful to make a bet with a person outside Saorstát Éireann (the penalty being £100), except that a bookmaker in Saorstát Éireann may make a bet with a person outside the State, provided the latter person is not a bookmaker (s. 33).

Veterinary Surgeons.—Act No. 36 provides for the institution in Saorstát Éireann of a General Council for the government of the profession, lays down regulations for the registration of veterinary surgeons and imposes penalties on unregistered practitioners. The Act also

confirms an agreement made with the British Government for the mutual recognition and registration of persons qualified in either country.

Housing.—The Housing (Miscellaneous Provisions) Act (No. 50) makes a number of amendments in the Housing of the Working Classes Acts and in the Housing Acts. Local authorities can declare an area within their district to be a "clearance area," and may secure the demolition of buildings in such an area, either by purchasing the land or by ordering the demolition of the buildings, and if the owners fail to redevelop the land, it can be purchased by such local authority. They may also declare other areas to be "improvement areas" and require repairs to be made to render premises fit for human habitation. S. 31 contains an interesting provision as to contracts for the letting of houses at less than £30 per year in Dublin and £25 elsewhere. In such contracts entered into after the passing of the Act a condition is to be implied that the house is at the time, and will be kept by the landlord, fit for human habitation.

Mines.—The Mines and Minerals Act (No. 54) implements Art. 11 of the Constitution, which provides that all mines and minerals hitherto vested in the State or any department thereof belong to Saorstát Éireann and may not be alienated. This Act sets up a "Mining Board," and empowers the Minister for Industry and Commerce to grant leases of State mines and minerals for a term not exceeding 99 years. Part IV enables the Minister, when he is of opinion that minerals lying under non-State lands may be left unworked by reason of the concurrence of two or more persons being necessary to their being worked, to grant rights to work such minerals. Another important provision is made by s. 2, which vests in the State (instead of in the Land Commission) the exclusive right of mining in respect of lands sold under the Land Purchase Acts.

Railway Fires.—Act No. 23 extends the limit of the Railway Fires Act, 1905, to actions in which the amount claimed does not exceed £200 instead of £100, and extends the time for the delivery of particulars from fourteen days to twenty-one days.

Midwives.—Act No. 35 alters the qualifications of persons entitled to attend women in childbirth by providing that they must be either (1) a qualified midwife, (2) a medical practitioner, (3) a person undergoing training with a view to becoming a midwife or medical practitioner, or (4) a person who satisfies the court that such attention was given in a case of sudden or urgent necessity, and that a midwife was not immediately available. The Act also provides for the issue of midwives' badges and imposes penalties for their misuse.

Merchandise Marks.—Act No. 48 establishes a Merchandise Marks Commission, to which the Minister for Industry and Commerce may refer applications for orders prohibiting the sale of particular imported goods, unless they bear an indication of their country of origin, and for orders prohibiting the sale of goods not bearing at the time of importation an indication of their origin. In Part IV a number of offences are created, such as selling imported goods bearing the name or trade-mark of any Saorstát manufacturer, or bearing the name of a place in Saorstát Éireann. The goods in respect of which an offence is committed may be forfeited, and the Act provides for the disposal of such forfeited goods.

Apprenticeship.—Act No. 56 provides for the constitution in districts, and for trades designated by the Minister for Industries and Commerce,

of apprenticeship committees, who have power to control the conditions of apprenticeship in such trades, premiums, the number of apprentices, wages, age, hours of work and the like, and in certain cases they can even require an employer to take one or more apprentices (s. 21).

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[*Contributed by* FREDERICK READ, ESQ., LL.B., *Staff Lecturer of the Manitoba Law School.*]

Acts passed—120 ; Public—61 ; Private—20 ; Divorce—39.

The Second Session of the Seventeenth Parliament opened on March 12, 1931, and closed by prorogation on August 3, 1931.

Armistice Day.—C. 4 provides that November 11 in each year shall be observed throughout Canada as a holiday under the name of " Remembrance Day."

Canadian National Railways.—C. 6 provides for the nomination of not less than five nor more than fifteen persons to be directors of the Canadian National Railways by the Governor in Council, and that the Minister of Railways and Canals may appoint a person to inquire into and report upon the works and undertakings of the government railways. C. 7 ratifies and confirms certain agreements made between the Canadian Pacific Railway Company and the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company respecting the joint use of certain tracks and premises at Regina. C. 22 authorizes the Canadian National Railways to issue securities to make provision for meeting expenditure during 1931 ; and c. 23 authorizes the guarantee by the Crown of securities issued by the company under the Canadian National Railways Financing Act, 1931, limited to an aggregate principal amount at any time outstanding of $68,500,000.

Copyright.—C. 8 amends the Copyright Act by making the appropriate amendments to conform to the Rome Copyright Convention, 1928, and empowering an author to restrain acts in relation to his work which are prejudicial to his honour or reputation. It also provides that certain performances without private profit shall not constitute an infringement of copyright, and sets out certain presumptions which will arise in case a defendant puts in issue either the existence of the copyright or the title thereto, and provides as to the assessment of damages in case of infringement, the protection of separate proprietary rights, the registration of grants of an interest in a copyright and the manner in which certain documents are to be executed in foreign countries. A section is also added requiring performing rights societies to file lists of the works respecting which the society claims the right to grant licences, and also statements of fees, charges, royalties, etc., which the society proposes to charge for licences to perform the works. The Governor in Council, on the recommendation of the Minister (after an investigation and report by a Commissioner appointed under the Inquiries Act), has the right to revise such fees, charges and royalties in case the performing society unduly withholds the issue of licences or proposes to collect excessive

fees, etc., or otherwise conducts its operations in Canada in a manner which is deemed detrimental to the interests of the public. No performing rights society can sue for or collect any fees, charges or royalties in respect of licences for the performance of any work in Canada which are not specified in the lists from time to time filed by the society at the Copyright office as provided by the Act, nor to sue for or collect any fees, charges or royalties in excess of those specified in the statement filed by the society nor of those revised or otherwise prescribed by order of the Governor in Council. The publisher of every book published in Canada must, within three months after the publication thereof, deliver to the Librarian of Parliament two copies of the first edition of the book and of each subsequent edition if it contain additions or alterations either in the letterpress or in the maps, prints or other engravings thereto belonging.

Customs.—C. 29 amends the Customs Act, and provides (amongst other things) that the Commissioner of Customs and other customs officers may hold inquiries and summon and examine witnesses respecting matters relating to customs. It also amends certain sections of the Act relating to penalties and defines " Territorial Waters of Canada " as " the waters forming part of the territory of the Dominion of Canada and the waters adjacent to the Dominion within three marine miles thereof, in the case of any vessel, and within twelve marine miles thereof in the case of any vessel registered in Canada or any other vessel which is owned by any person domiciled in Canada." C. 30 makes a number of alterations in the customs tariff, too numerous to specify here. The alterations in the tariff operate as from June 2, 1931.

Natural Resources.—C. 15 confirms the agreement dated July 29, 1930, between the Dominion of Canada and the Province of Alberta which alters the date having reference to which the powers or rights of either the Dominion or the Province are to be altered, from August 1, 1930, to October 1, 1930. C. 51 is a similar act in reference to Saskatchewan. C. 19 is in respect to the Beauharnois Light, Heat and Power Company, Limited, and annuls the Order in Council of March 8, 1929, as amended June 22, 1929, and the agreement between the Crown and the company of June 25, 1929; and the company is granted the right to divert a certain flow of water from Lake St. Francis to be used in the development of hydro-electric power upon such terms as may be prescribed by Order of the Governor in Council. The Act is to come into force on a day to be fixed by proclamation of the Governor in Council. C. 20 declares the canal now being constructed by the company between Lake St. Francis and Lake St. Louis, and the works connected therewith, to be works for the general advantage of Canada; and the Governor in Council is empowered to acquire all such lands and works as may be necessary or useful for the improvement of navigation by means of the canal mentioned above. The Act does not affect any right which may be vested in the Province of Quebec over or in respect to the use of the waters of the River St. Lawrence for the development of hydro-electric power.

Naturalization.—C. 39 amends s. 13 of the Naturalization Act, and enacts that except as provided in the section, the wife of a British subject will be deemed a British subject, and the wife of an alien will be deemed to be an alien. Where a woman who is a British subject marries an alien she will not by reason only of her marriage cease to be a British subject unless by reason of her marriage she acquires the nationality of her hus-

band. Where a man, during the continuance of his marriage, ceases to be a British subject, his wife will not cease to be a British subject unless by reason of the acquisition of her husband of a new nationality she also acquires that nationality. Where, however, notwithstanding the last-mentioned provisions, a married woman would cease to be a British subject, she may make a declaration that she desires to retain British nationality, and thereupon she will be deemed to have remained a British subject. The wife of a naturalized alien, if not already a British subject, will not be deemed to be a British subject unless she makes a declaration that she desires to acquire British nationality, and upon the making of such declaration she will be deemed to be a British subject. The wife of an alien who is a subject of a state which is at war with His Majesty, if she were at birth a British subject, may make a declaration that she desires to resume a British nationality, and thereupon the Minister, if satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

Safety of Life at Sea.—C. 49 confirms and sanctions the International Convention for the Safety of Life at Sea, signed at London on May 31, 1929, and the International Convention respecting Load Lines, together with the Final Protocol, signed at London on July 5, 1930; and the provisions of the Convention are given the force of law.

Shipping.—S. 87(a) of the Canada Shipping Act is amended by c. 21, which provides that the applicant for a certificate as master or mate of a sailing vessel who is a British subject, and who, before January 1, 1931, has served as such master or mate for twelve months within ten years immediately preceding the date of his application for a certificate of service, shall be entitled to a certificate of service on specified vessels on payment of a prescribed fee.

Tariff Board.—C. 55 provides for the establishment and maintenance of a Tariff Board.

Trade Agreements.—C. 16 approves the trade agreement between Canada and Australia.

Vocational Education.—C. 59 provides for appropriations and the application thereof for the promotion of vocational education in Canada.

Wheat.—Under c. 60 a payment of 5 cents a bushel may be made for every bushel of wheat grown in Manitoba, Saskatchewan and Alberta and delivered to any licensed elevator in the Western Inspection Division, commission merchant, track buyer or grain dealer as defined by the Canada Grain Act.

2. ALBERTA.[1]

Public and General—80; Private—5.

Legislative Counsel.—No. 3 authorizes the appointment of an official corresponding to the Parliamentary Counsel in England.

Legislative Procedure.—By an amendment (No. 8) of the Direct Legislation Act (No. 6 of 1922) it is provided that in any case on which a petition has been presented to the Legislative Assembly and has been referred to a committee for the purpose of ascertaining whether same is in order, and the committee reports that it is unable during the current session to report as to whether or not such petition satisfies the required

[1] Based on the synopsis prepared by J. D. Hunt, Esq., Clerk of the Executive Council.

conditions, the further consideration of such petition and any action consequent thereto shall be deferred to the next ensuing session thereof. Any such petition so deferred shall have the same force and effect as if it had been presented at such next session.

The Lieutenant-Governor in Council may in respect of any petition as to which any question of law arises as to whether or not such petition satisfies any of the conditions of this Act by order refer such question to the Supreme Court of Alberta in the manner and subject to the provisions of the Constitutional Questions Act and all the provisions of that Act shall apply to any such reference.

The Lieutenant-Governor in Council may appoint any counsel to appear and represent any interest which is affected by such reference and as to which counsel does not appear, and may order that the reasonable expenses thereby occasioned may be paid by the Attorney-General out of any moneys appropriated by the Legislature for the administration of justice.

Live Stock.—A Board consisting of not more than three persons suitably remunerated is constituted by No. 12 to promote, encourage and develop the live-stock industry.

The principal duties are: "to administer such sums as may be from time to time made available by vote of the Legislature and to utilize such sums of money for the purpose of providing farmers with live stock approved by the Board; to investigate and approve or reject any application for any such loan; to acquire for re-sale any live stock which the Board deems proper and to pay for the same out of the said fund; to sell to farmers any live stock acquired by the Board to a value not in excess of $500 in any one case upon credit, the farmer paying at least 25 per cent. of the purchase price, in cash, and to require the payment of interest at the rate of 7 per cent. per annum on all unpaid purchase money; to sell any such live stock at cost plus the following amounts: $2.50 for each head of cattle, $1 for each brood sow, and 50 cents for each sheep."

Marriage of Minors.—By No. 16 the marriage of persons under the age of 19 may be annulled, if it has not been consummated or the persons cohabited as man and wife, on the application of either party.

Legal Profession.—A special fund analogous to the Barristers' Benevolent Fund in England may, not must, be created under the authority of No. 21 for the relief of aged, infirm and/or disabled members of the Law Society and the dependents of deceased members. The age of enrolment is raised from 21 years to 23 years.

Child Welfare.—By an amendment (No. 26) of the Child Welfare Act every city or town of 5,000 population or over shall appoint one or more agents or officers for the enforcement of the Act, and notice of such appointment shall be forthwith given to the Children's Aid Society of the city or town and to the superintendent. The agent or officer shall for the purpose of this Act have the powers of a peace officer, and shall have authority to enter factories, workshops, stores, homes and all other places where children may be employed, or congregated, and shall perform such services as may be necessary for the enforcement of this Act.

Among other minor provisions is one modifying the original Act which made it unlawful to employ habitually any child under the age of 14 years between nine in the evening and six in the morning. The age limit has been raised from 14 years to 16 years.

Education.—The School Act (No. 32) consolidates the law on the subject with some amendments, and No. 33 does the same for the law relating to the levying and assessment of taxes for the support of the schools.

Unemployment Relief.—Act No. 35 confirms and ratifies the Agreement made by the Province with the Government of Canada for the purpose of securing the benefit of the provisions of the Federal Unemployment Relief Act. The chief provisions of the said Agreement are as follows:

There shall be paid by the Dominion to the Province for distribution to the municipalities concerned one-third of the amount expended by such municipalities for direct relief where suitable work cannot be provided for the unemployed; there shall be paid by the Province out of the provincial funds for direct relief an amount equal to that contributed by the Dominion, and there shall be paid to the Province one-half of the amount expended by the said Province for direct relief in unorganized districts.

Such contributions by the Dominion and Province towards direct relief are to be made only after the submission by the said municipality of evidence satisfactory to the Minister of Labour that a serious unemployment situation exists in such municipality.

The Dominion shall pay to the Province on the same condition for any municipality 25 per cent. of the cost of approved public works and undertakings necessary to supply suitable work for the unemployed in such municipality. The Province shall pay 25 per cent. of such cost, and the remaining 50 per cent. of the said cost shall be assumed and borne by the municipality.

Trade Schools.—Every person who, at the coming into force of Act No. 41, is the proprietor, keeper or operator of any trade school shall make application for registration in writing to the Minister in such form and with such particulars as may be prescribed in respect of each trade school kept or operated by him on or before September 1, 1931.

Department of Lands and Mines.—There shall be by No. 42 a department of the Public Service called the Department of Lands and Mines over which the member of the Executive Council appointed by the Lieutenant-Governor under the Seal of the Province to discharge the functions of the Minister of the Department of Lands and Mines shall preside.

Subject to the provisions of the Public Service Act, the Department shall have the administration of such Acts relating to lands, mines, minerals, together with any royalties derived therefrom and any other natural resources vested in or belonging to the Crown in the right of the Province as may from time to time be assigned to the Department by any other Act of this Legislature or by the Lieutenant-Governor in Council, and shall have the administration and management of all lands, mines, minerals and royalties derived therefrom as are administered under any such Act.

Forests.—The Lieutenant-Governor in Council may, by the authority of No. 44, out of the unoccupied provincial lands set aside areas and establish the same as forest reserves.

All provincial lands within the boundaries of any reserve shall be withdrawn from disposition, and no provincial lands within the boundaries of such reserve shall be sold or leased or be located or settled upon and no person shall use or occupy any part of such lands, except under authority of this Act.

Fisheries.—Act No. 45 empowers the Lieutenant-Governor in Council to make regulations governing those fisheries in the Province which are within the legislative competence of the Province, and provides for the appointment of a Director of Fisheries and other administrative officers and for penalties for the breach of any regulations.

Oil and Gas Wells.—No. 46 authorizes the Lieutenant-Governor in Council to make rules and regulations with respect to oil and gas wells. Such regulations may provide for the conduct of drilling operations, the location of wells, the management and control of all wells being drilled, the management and conduct of producing wells, the control of the production from any producing wells and other matters with a view to the conservation of oil and gas resources.

Arrears of Local Taxes.—Act No. 54 enables the council of a municipal district, the trustees of a collecting school district and the Minister of Municipal Affairs in respect of an improvement district to provide for an agreement with the owner of any land used for farm purposes for the consolidation of any arrears of taxes, and upon consolidation the arrears are payable by five equal consecutive instalments with interest commencing with the year 1931, except in special cases where the consolidated taxes may be paid by four equal annual consecutive payments commencing with the year 1932.

Seed Grain.—The Province is authorized by No. 58 to borrow from the Dominion Government and loan to municipalities such sums as may be required by them to supply seed grain to farmers who are unable to procure same out of their own resources.

Co-operative Credit Societies.—Act No. 66 provides for the creating of a provincial corporation, the membership of which consists of all societies incorporated under the Alberta Co-operative Credit Act, except sugar-beet societies, and those which did not pass a resolution against inclusion on or before July 31, 1931.

The capital of all included societies held by the Provincial Treasurer is transferred to the corporation, and the amount so transferred, together with a contribution of like amount not to exceed $200,000 by the Government, will make up the capital of the corporation.

The reserve held by the Provincial Treasurer built up under the Alberta Co-operative Credit Act is also transferred to the corporation.

The capital of the corporation will be invested, and the income, after payment of the expenses of operation, will be transferred to a reserve fund which will be increased by the difference on account of interest payable to the corporation in respect of every loan made pursuant to the Act.

Water Resources.—Act No. 71 was rendered necessary by the Province taking over the water resources. It includes many provisions from the Irrigation Act, the Dominion Water Power Act and the Dominion Lands Act, thus bringing them under provincial administration.

The Act is divided into three parts: I.—Diversion of water; II.—Relating to water power; III.—Powers of Lieutenant-Governor in Council.

3. BRITISH COLUMBIA.

Acts passed—78; Public—71; Private—7.

The following are the more important Acts of general interest.

Attachment of Debts.—As a result of the rule of construction of statutes that no provision shall apply to or affect the rights of the Crown,

unless it is expressly stated therein that the Crown shall be bound thereby, the several Acts under which the wages of a debtor may be attached by his creditor to enforce payment of the debt have never been available to enable creditors (merchants and others) to attach moneys payable by the Provincial Government as wages to civil servants. In order that civil servants' salaries or wages should be liable to attachment in exactly the same way as the wages of other debtors, amendments to the Attachment of Debts Act (c. 4), the Deserted Wives' Maintenance Act (c. 16), the Absconding Debtors Act (c. 1) and the Small Debts Courts Act (c. 13) were passed extending the provisions of those Acts to the garnishing of moneys payable from the Provincial Government to civil servants.

Coal Sales.—Provision was made by the Coal Sales Act (c. 38) to have all invoices of coal sold in the Province show the country and place of origin of the coal, and power is given to make regulations providing for the statement on invoices of the heat-value of the coal according to some recognized unit of such value.

Protection of Dogwood.—In line with the attempts being made in other places to protect certain native plants and shrubs from destruction and possible extinction, an Act was passed, the Dogwood Protection Act, c. 18, prohibiting the unauthorized picking or uprooting of the flowering dogwood.

Jurors and Juries.—The recognized grounds for excusing individual jurors from attendance are sometimes found inadequate to meet cases of undoubted hardship. By amendment to the Jury Act (c. 31) provision is made that, upon cause shown to his satisfaction, the presiding judge may in his discretion excuse from attendance upon the court any juror who has been summoned to attend or serve on the grand or petit jury.

Sex Disqualification Removal.—At common law a woman was incapable of holding public office, and a married woman was incapable of acquiring or enjoying real or personal property independently of her husband. By statute from time to time these disqualifications had been removed in British Columbia as regards the holding of property, the exercise of municipal and provincial franchise, the holding of office as members of municipal councils and of the Legislative Assembly, and the acting as jurors, barristers, solicitors and as judges of juvenile courts. No express statute had authorized the appointment of women as notaries, justices of the peace, or commissioners for taking oaths, although on one or more occasions such appointments had been made.

In view of the present admitted status of women in the commercial and social life of the country, and in view of doubts which might arise in connexion with appointments of women to minor positions and offices, it was thought wise to enact a statute which would once and for all put an end to these common law disqualifications of women. The Sex Disqualification (Removal) Act (c. 55), based on the Imperial Act of 1919, provides that no person shall be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office, or from carrying on any civil profession or vocation.

Miscellaneous.—Among the other Acts passed may be mentioned the Threshers' Lien Act (c. 63), giving a lien on grain cut and threshed for another to secure payment of the price of the work done, and the Unemployment Relief Act (c. 65), giving effect to an agreement for joint contributions by the Federal and Provincial Governments for the tem-

porary relief of unemployed persons. Acts were passed amending and consolidating the Boiler Inspection Act (c. 6), the Stockbrands Act (c. 7), the Mothers' Pensions Act (c. 42) and the Noxious Weeds Act (c. 69).

4. MANITOBA.

[*Contributed by* J. C. Collinson, Esq., K.C.]

Architects.—C. 1 provides that a single act of practice is sufficient to support an information for an infraction of the Act.

Burials.—C. 4 requires the production to the court of a certificate of the burial and a copy of the medical certificate on file in the vital statistics office before an order for disinterment is made.

Child Welfare.—C. 5 permits the appointment of a secretary to the Child Welfare Board and gives to it power of enrolment, cancellation, rescission and variation of monthly allowances to mothers with bereaved and dependent children. A bereaved and dependent child may under certain circumstances become a neglected child. Provision is made for a new schedule with rules and conditions for the enrolment and monthly allowances for maintenance of bereaved and dependent children. Reports are to be made to the Child Welfare Board of any neglected child which is apprehended under the provisions of the Act. Provision is made permitting the mother of a child born out of wedlock to lay an information against the putative father, and the time for laying an information is extended to two years. A putative father committed to gaol may be further committed on a further default of maintenance of his child. If a lump sum is paid for the maintenance of a child by a putative father it shall be laid out by the Director in his discretion for the benefit of the child. Residence of a neglected child is now defined by the statute.

King's Bench.—The old Act has been redrawn and rearranged by c. 6. Provision is made for a court of five judges. Many matters which were regulated by rules have been placed in the Act: for example, *mandamus*, relief against the acceleration clauses in mortgages and agreements of sale, physical examination of parties to an action for personal injuries, the issuing and vacating of *lis pendens* and the effect thereof, assigning breaches in actions on bonds, provisions relating to charging orders on stocks and securities, representation in an action where there is no legal representative and examination and commitment of judgment debtors. These matters were thought to be more or less matters of substantive law or to touch the liberty of the subject and to have no place in the rules of court which will be made by the judges of the court, and will relate solely to practice and procedure.

Some new matters of jurisdiction and procedure have been incorporated in the Act—a new procedure by notice of motion for quashing convictions in place of *certiorari* and a new procedure by notice of motion replacing *quo warranto* proceedings. Provision is also made for tender of amends in cases relating to torts, and more ample provisions relating to interest and its allowance on judgments.

The most striking aspect of the new Act is the deletion from it of all extraneous matters such as matters relating to the law of property, landlord and tenant and the registration of judgments, a provision as to mortgages and sections relating to mercantile law. All these sections have been carried to their proper places in existing or other new legislation.

Elections.—C. 10 is also new legislation. A new method of preparing

a list of voters is provided. Enumerators are appointed for each poll, who make up a list in cities by a house to house canvass in rural parts by any means available. This list is revised by the returning officer, who sits for two days for the purpose. If objection is taken to any name added or deleted, it may be disposed of by a revising judge who is appointed to hear objections. Judges may be appointed by Order in Council, one in each of several districts into which the Province may be divided for the purpose. The voters' lists are not printed except in Winnipeg, but provisions are made for supplying the candidates with copies of the lists.

A voter not on the list, unless struck off by a revising judge, may vote at the poll by taking an oath and being vouched for by two resident voters in the poll whose names are on the list and who must each take an oath. Provision is made for teachers voting, where they reside and teach, on being vouched for. Indians with a soldier's franchise may vote. A blind voter may have his ballot marked by a friend. Proportional representation and alternative voting are retained as in the old Act. A voter must mark his ballot in all cases with numerals; the X is not permitted.

Provision is made for not more than three deferred elections. Returning officers may be appointed at any time and hold office during the pleasure of the Lieutenant-Governor in Council. Advance polls may be established in any electoral division by Order in Council, voting to take place during the afternoon of Thursday, Friday and Saturday preceding polling day. Any person who expects to be absent on polling day may apply for an advance poll certificate.

The rotating ballot has been adopted, also where practicable the coloured ballot. The new ballot brings into use the counterfoil and provision is made to prevent error by the voter marking in more than one space.

Escheats.—By c. 11 the section giving the Attorney-General the right to take possession of escheated property has been redrafted. The right of action of any person to recover from the Crown escheated property which has been parted with in the exercise of the Crown's bounty is taken away, and provision is made for the administration by the Provincial Treasurer of the estate of a deceased person whose property is escheated.

Executions.—C. 13 prevents the chattel mortgagee on default being made in his mortgage, seizing or distraining upon exemptions covered thereby. It does not apply where the goods form the consideration or part consideration of the mortgage, nor to past mortgages.

Game and Fisheries.—C. 19 prohibits possession of unprime skins in the Province, regardless of their place of origin, except skins in transit; and taking rabbits and wolves out of prohibitions as to killing of fur-bearing animals.

Highway Traffic.—C. 22 provides for braking equipment sufficient to stop a motor vehicle within 37 feet in the case both of motor-cars with two and four wheel brakes. The clause relating to passing street cars is revised and now covers the passing of a motor vehicle going in an opposite direction to a street car on the entrance side thereof. There is a provision prohibiting parking on the travelled part of the road outside a city, town or village or in the curve of a highway. Another provision prohibits tampering with a motor vehicle. Tourists with foreign insurance may under certain conditions file such insurance as proof of financial responsibility. In suspension of a licence or driver's permit the plates and permits must be returned to the department. A chauffeur required to file proof of financial responsibility may get a limited permit to drive

his master's car if the master files proof. A motor carrier under Part VIII must take out his certificate yearly from the Municipal and Public Utility Commissioner, and must make a yearly return. There is also a new schedule of rates under this part.

Hospital Aid.—C. 23 gives a new definition for "resident" for the purpose of the Act, one year in a municipality not in receipt of aid, fixes residence there, and where this condition applies to no municipality when applied over a period of three years, then the municipality where the indigent lived last for three months is deemed his residence. Children take the residence of their parents surviving or of the last surviving parent, and illegitimate children that of the mother. A declaration of the means and property of an applicant may be required of anyone admitted to a hospital, and penalties are provided for false information. Where the hospital buries a patient, a fee of $30 may be collected from the municipality. The Minister of Health and Public Welfare may prescribe a schedule of information required of each applicant for admission who does not pay a deposit.

Hotel Keepers.—C. 24 provides a procedure for the sale of the goods of defaulting guests. Notice is sent to his last known address and posters are not required except at the place of sale. An hotel keeper is not responsible for the safekeeping of a guest's valuables or goods unless he accepts them and gives a receipt therefor. The right is also given the hotel keeper to eject objectionable persons from the hotel premises.

Income-tax.—C. 25 brings the income-tax law of the Province in line with the Dominion law, except that the exemptions with respect to single men is $1,000 as against $1,500 in the Dominion. The Dominion schedule of tax rates is adopted, which in the case of the smaller incomes means a reduction in the net tax for a single man when the 20 per cent. discount allowed is deducted from the tax. The tax-payer is entitled to deduct from his gross income the amount paid the Dominion for income-taxes, but amounts paid for life insurance premiums are, following the Dominion law, not now allowed as deductions. The definition of "householder" is changed to conform with the Dominion definition, so that now a widower employing a paid householder gets the married man's exemption of $3,000.

In the case of companies the tax is 2 per cent. of the net profits earned within Manitoba, less an exemption of $1,000, as against the Dominion rate of 8 per cent. with a $2,000 exemption. Income within Manitoba in the case of companies means income earned on sales made or business done within the Province. Income from investments in any company is, with certain minor exemptions, taxable regardless of where it is earned.

The profits of personal corporations are taxable in the hands of the shareholders as part of their personal income. The Act applies to incomes for 1930.

Judgments.—C. 27 carries forward the provision relating to the registration of a judgment for alimony, formerly in the King's Bench Act, to the present Act and by extending it to cover a judgment for maintenance.

Landlords and Tenants.—C. 29 is new legislation divided into three parts. Part I is the bringing together of the statute law on the subject; Part II provides a summary proceeding to settle disputes relating to distress and Part III provides the machinery for eviction. Part II is new, taken from Ontario. Part III covers the present summary procedure before a King's Bench judge or county court judge and also before a justice in cases of failure to pay rent.

Part I brings forward the English statute law covering covenants running with land, apportionment on severance of reversion, curing defects in leases, mergers of reversions, right of re-entry, forfeiture of leases, licences and waivers. Then follow provisions relating to distress for rent and property liable therefor and exemptions from distress embodying the statute law in the Acts being repealed, as well as bringing down the relevant English statutes. The tenant is given a right to set off against a landlord, following a provision in the Ontario Act. Fraudulent removal, impounding and pound breach, wrongful and irregular distress, liability of overholding tenants and attornment with strangers, mortgagees and others follow. The section relating to a mortgagee's right to distrain in the old Act has been redrafted but effects no substantial change, and then follows the English sections relating to renewal of leases by absentees.

Life Insurance.—C. 26 provides that the maximum sum payable under a policy with respect to children under the ages from one to ten years be increased. The new schedule provides for a maximum of $100 for a child dying under the age of one year, and the maximum payable is increased $100 with each year until at the age of ten years the maximum is $1,000.

Statute of Limitations.—C. 30 covers the limitation of actions for penalties, contracts, and torts and actions and proceedings respecting land, mortgages, leases and trusts and the right of re-entry, and taking possession of lands and personalty. For the purpose of the statute the distinction between ordinary and specialty contracts (except charges on land) is done away with, the limitation being in each case six years. On proceedings taking possession and re-entry and on covenants relating to land the limitation is ten years. A similar limitation is provided respecting mortgages on land and personalty, except interest, which is limited to six years' arrears. Actions against trustees are within the statute, except when grounded on fraud or fraudulent breach of trust. In the case of absence of a defendant from the Province, the cause of action exists until the lapse of two years from the return. No action is barred, by reason only of the Act, till after six months from its coming into force.

Mercantile Law.—C. 34 contains a number of sections which formerly appeared in the King's Bench Act. The effect of giving time to a principal debtor, stipulations as to time and satisfaction by part performance is now a part of this Act. Also the English provision respecting sureties, namely that a guarantee is not invalid though no consideration appears on its face, and the provision that a surety who pays a debt is entitled to call for an assignment, are enacted in this statute.

Minimum Wage.—By c. 35 the Act is made applicable to boys under the age of eighteen as well as to female employees.

Mortgage.—C. 36 carries forward the section in the former, the King's Bench Act, that a mortgagor entitled to possession or in receipt of rents may sue for possession or distrain in his own name.

Law of Property.—C. 38 is a new Act. Following the arrangement of the statutes in Ontario and England, this Act contains sections relating to the law and transfer of property taken from other statutes in the process of revision. They include the effect of "words of limitation" in conveyances, declaring the validity of certain illusory appointments made under powers, the abolition of common law dower and courtesy, equitable waste, merger not admitted to extinguish an equitable estate, joint tenancy in lands and conveyances by joint tenants, effect where improvements are

made under mistake of title, regulating procedure to break entailed estates, assignments of choses in action and powers of attorney.

All those provisions are already statute law, except a provision relating to encroachment of building on another's land, and except that the provision relating to the effect of an irrevocable power of attorney has been repealed and the English section substituted. This only renders effective, after death or disability, an irrevocable power given for value and only in favour of purchasers thereunder for value. The provision respecting encroachments provides that the Court of King's Bench may order the removal of the building or may grant an easement for its life or vest the property encroached upon in the owner of the building on payment of proper compensation.

Soldiers' Taxation Relief.—By c. 46 rebates of taxes by the municipalities shall enure from the making of the application only. Formerly they enured from dates specified in the statute requiring the municipality to refund taxes paid or redeem land from tax sale. The accumulated arrears owing for disbursement to municipalities by the Province has been assumed by the Province which will materially reduce the levy under the Municipal Commissioner's Act for this purpose.

Threshers' Lien.—C. 50 brings within its provisions the cutting and threshing of grain by a combination thresher. It is also provided that *bona fide* advances are protected from the thresher's right of retention in the same manner as in case of sale of grain.

Trustees.—C. 52 repeals the existing Trustee Act and the Act relating to the Estates of Insolvent Deceased Persons. In its earlier sections it deals with the appointment and removal of trustees. Except in the case of a charitable trust the number of trustees is limited to four. The grounds of removal, whether by the court or by a person having the power, are: absence from the Province for twelve months, refusing or being unfit to act, desiring to be removed and being under disability, *e.g.* infancy, insanity or other incapacity. The procedure before the court for the removal of trustee, including a personal representative, is summary. Vesting instruments, vesting the property in new trustees, are valid through merely declarations, and the vesting may be implied from the appointment of a new trustee, similarly in the case of a vesting order by the court.

Trustees are empowered to sell under trusts for sale in any manner, and are not responsible for depreciatory conditions. They may employ agents, solicitors and brokers, and are not responsible if they act in good faith. They may also appoint attorneys under powers of attorney where they are about to be out of the Province for a period of a month or more. They may insure, renew leases, give valid receipts for money, compromise debts, and distribute the estate after notice to creditors.

Personal representatives appointed may carry out the terms of the will of the deceased in the same manner as an executor, may complete a contract of the deceased and may mortgage with the approval of the surrogate judge to pay debts or to make necessary improvements. A widow with minor children may continue farming operations on the death of her husband. Any residue of estate undisposed of by will shall go to those entitled under the Devolution of Estates Act. A personal representative, where the estate is liable on any covenant, lease or agreement, may set aside a sum to answer future claims thereunder and distribute the estate. Provision is made requiring a creditor on notice to prove his

claim by action within six months, and where the estate is insolvent a creditor can be called upon to value his security.

Trustees may invest trust moneys in government, or government secured investments, securities of a municipality or school district in the Province, first mortgages on improved land, investments guaranteed by a trust company or terminable first debentures of a loan company approved by the Municipal and Public Utility Commission. The Act contains proper protection and indemnity sections for those who act in good faith under its provisions or under any order or grant made in error. Summary application for advice to the court is provided for, and provisions regulating the audit and passing of accounts and fixing of a trustee's remuneration.

Unemployment Relief.—C. 53 provides for the carrying out of an agreement made in October last by the Government of Manitoba with the Dominion Government. Under that agreement the Dominion Government allocated $900,000 to be expended for unemployment relief work in the Province of Manitoba. The Province, in the main, arranged to pay dollar for dollar with the Dominion, and various proportions are provided to be paid by the municipalities receiving the benefits of the agreement.

Vital Statistics.—Power to appoint sub-registrars is given by c. 55 to the Lieutenant-Governor in Council. Provision is made to record births at sea and during the absence of the mother from the Province. Provision is also made requiring the production of certificates of birth in outside jurisdictions in the case of adopted children registered under the Act.

5. NEW BRUNSWICK.

[*Contributed by* H. Lester Smith, Esq., *Clerk of the Executive Council.*]

Acts passed—110; Public—57; Private—53.

Settlers.—C. 12 provides for paying a bonus of $8 per acre to *bona fide* settlers in the Province, for the clearing and ploughing of land with a maximum acreage of five acres in any one year.

Taxation of Signs.—C. 13 requires a licence and the payment of a tax for all signs, bill-boards or other advertisements posted or displayed on any highway in the Province, the amount of the tax being governed according to the lineal feet of each sign.

Uniformity of Legislation.—C. 48 is an Act to make Uniform the Law Respecting Assignments of Book Debts, and C. 52 is an Act for Uniform Conditions in Policies of Fire Insurance. Each of these is the uniform Act drafted and recommended by the Commissioners on Uniformity of Legislation in Canada, and is to be so interpreted and construed as to effect the general purpose of making uniform the law of those Provinces which enact them.

6. NOVA SCOTIA.

[*Contributed by* F. F. Mathers, Esq., K.C., *Deputy Attorney-General.*]

Acts passed—158; Public—69; Local—67; Private—22.

Relief of Unemployment.—The Unemployment Act (c. 4) authorizes the Governor in Council and any city, town or municipality to furnish relief to the unemployed, and to raise the moneys required by taxation or by way of loan.

Assignment of Book Debts.—An Act to make uniform the law respecting assignments of book debts (c. 5) provides that every such assignment made by any person engaged in a trade or business shall be

void as against creditors of the assignor and as against subsequent purchasers unless the assignment is in writing accompanied by an affidavit of *bona fides* and registered in accordance with the provisions of the Act. This Act is the Uniform Act recommended by the Conference of Commissioners on Uniformity of Legislation in Canada, and has been enacted by a number of the other Provinces. It was brought into force on September 1, 1932 by proclamation of the Governor in Council.

Innkeepers.—An Act relating to innkeepers (c. 7) gives to innkeepers, boarding-house keepers and lodging-house keepers a lien on the baggage and property of his guest, boarder or lodger for the value or price of any food or accommodation furnished to him or on his account, and gives the right to sell such baggage and property.

The Act also gives keepers of livery stables or boarding stables a lien on every horse or other animal boarded at or carriage left in such livery stable or boarding stable for the reasonable charges for boarding and caring for the horse, animal or carriage, and provides that the horse, animal or carriage may be sold.

The liability of innkeepers for loss of or injury to goods or property brought to his inn is limited to $40, except in case of wilful act, default or neglect, or in case the goods or property have been deposited expressly for safe custody with the innkeeper.

Financing of Fruit, Produce and Warehouse Associations.—An Act to facilitate the financing of fruit, produce and warehouse associations (c. 9) provides for the incorporation under the Nova Scotia Companies Act (an Act similar to the English Act) of a company limited by shares, the membership of which is limited to companies incorporated under c. 70, Revised Statutes, 1923, the Incorporation of Farmers' Fruit Produce and Warehouse Associations, the objects of the company to be to lend money to its members secured by mortgages or conveyances or assignments by way of mortgage of real estate of the members to whom the money is lent. The company is authorized to borrow money by the issue of debentures, and the Governor in Council may guarantee the payment of the principal and interest or either of them or any part thereof payable under any debentures of the company, but the aggregate amount of principal so guaranteed must not exceed $500,000.

Advertisements on or near Highways.—An Act to amend c. 75 of the Revised Statutes, 1923, the Public Highways Act (c. 28), authorizes the Minister of Highways to make regulations prohibiting or regulating the erection or maintaining of advertisements upon or within one hundred yards from the limit of any highway outside the corporate limits of any city or town.

Easements, Light and Air.—An Act to amend c. 238 of the Revised Statutes, 1923, the Statute of Limitations (c. 55), enacts that no person shall hereafter acquire a right by prescription to the access and use of light or air to or for any building situate in any city or in any incorporated town.

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, ESQ., K.C., *Dean, Osgoode Hall Law School, Toronto.*]

Acts passed—147; Public—80; Private—67.

The second session of the eighteenth legislature of Ontario began on February 12, and ended on April 2, 1931.

Unemployment Relief. — The Unemployment Relief Act (Ontario) (c. 4) confirms an agreement made between the Government of Canada and the Government of Ontario, whereby, *inter alia*, the Dominion was to pay to the Province for distribution to the municipalities concerned one-third of the amount expended by such municipalities for direct relief where suitable work could not be provided for the unemployed, the Province also contributing one-third ; and the Dominion was to pay to the Province one-half of the amount expended by the Province for direct relief in unorganized districts. The agreement also provided for contributions by the Dominion and the Province respectively of one-fourth each of the cost of approved public works and undertakings necessary to supply suitable work for the unemployed in municipalities, the municipalities concerned paying the remaining one-half ; and there were special provisions as to highway construction and other public works carried on by the Province to provide suitable work for the unemployed, the Dominion contributing part of the cost.

Public Welfare.—The Department of Public Welfare Act (c. 5) creates a new department of the public service of Ontario, to be directed by one of the members of the Executive Council of the Province. The department may collect information and statistics ; disseminate information for the promotion of public welfare ; secure the observance of statutes and regulations relating to matters of public welfare ; investigate, inspect and report upon all agencies, organizations, associations and institutions having for their object the social welfare or care of men, women and children in Ontario, and which are not under the control of any other department of the public service of Ontario. The department may recommend to the Lieutenant-Governor in Council regulations respecting welfare institutions, etc., and governing the soliciting of alms, food, clothing, moneys and contributions of any kind for charitable or benevolent purposes in Ontario ; and upon the recommendation of the Minister in charge of the department the Lieutenant-Governor in Council may declare any charitable institution or class or classes of charitable institutions to be subject to the control of the Minister, and may make regulations relating to such charitable institutions or institutions and their affairs, and particularly in respect to the procuring of funds from the public and as to their application.

Insolvent Estates of Deceased Persons.—S. 7 of the Statute Law Amendment Act (c. 23) repeals ss. 56, 57 and 58 of the Trustee Act and substitutes new provisions (applicable to the administration of the estate of a deceased person in case of a deficiency of assets), which resemble, but are not identical with, certain provisions of the Dominion Bankruptcy Act (applicable to the administration of the estate of a person who has been declared a bankrupt or has made an authorized assignment for the general benefit of his creditors). The provisions of the Ontario statute oblige a creditor to furnish proof of his claim, and, if he is a secured creditor, to place a value on his security and to deduct such value from the amount of his claim. The personal representative of the deceased person has the right to require the creditor to assign his security at an advance of 10 per cent. upon the specified value, to be paid when the personal representative has realized on the security or is in a position to make payment out of the assets of the estate. The statute also authorizes the personal representative to call a meeting of the creditors and authorizes the creditors at the meeting to appoint inspectors to assist and advise the personal repre-

sentative in the administration of the estate. If no meeting of creditors is called, the personal representative may, with the approval of the surrogate judge, appoint an inspector or inspectors to assist him in the realizing and management of the estate.

Judicature Act.—The Judicature Act (c. 24) changes the names of the two branches of the Supreme Court of Ontario, namely, the Appellate Division and the High Court Division, and restores the names the Court of Appeal for Ontario and the High Court of Justice for Ontario, as they existed prior to 1913. The Statute also provides for an important change in the membership of these two branches of the Supreme Court by enacting that as vacancies occur in the Court of Appeal the number of its members shall be reduced from ten to eight and the number of the members of the High Court shall be increased from nine to eleven. The numbers mentioned include the Chief Justice of Ontario (President of the Court of Appeal) and the Chief Justice of the High Court. Every appeal to the Court of Appeal must be heard before not less than three judges and always before an uneven number of judges. A justice of appeal is not, without his consent, to be assigned to, or required to perform, any duty except such as appertains to him as a member of the Court of Appeal, but the Chief Justice of Ontario may assign any justice of appeal to perform, in Toronto, the work of a High Court Judge.

Matrimonial Causes.—The Matrimonial Causes Act (c. 25) effects an important extension of the jurisdiction of the Supreme Court of Ontario. By the British North America Act, 1867, exclusive legislative jurisdiction as to "marriage and divorce" was conferred on the Dominion Parliament, and exclusive legislative jurisdiction as to the "solemnization of marriage in the Province" was conferred on the legislature of each Province.[1] Prior to 1930 no court in Ontario had jurisdiction to entertain a suit or other proceeding for divorce or annulment of marriage, subject to a doubtful exception, under an Ontario statute, as to declaration of nullity.[2] By the Divorce Act (Ontario), 1930, the Dominion Parliament conferred jurisdiction upon the Supreme Court of Ontario as to the dissolution of marriage and as to the annulment of marriage;[3] but no provision was made as to judicial separation, alimony, settlement of property or custody of children, the reason probably being that these matters were regarded as being within the legislative jurisdiction of the provincial legislature. The Ontario statute of 1931 now in question has partially filled the gap. It authorizes the Supreme Court of Ontario, in any action for divorce or for declaration of nullity of a marriage, to order the husband to secure to the wife a gross or annual sum of money or to direct the husband to pay to the wife a monthly or weekly sum for her support and maintenance. The court is also authorized, in any action of divorce, to make provision with regard to the custody, maintenance and education of the children of the marriage, and, if a judgment for divorce is pronounced, to order the settlement of the wife's property or any part thereof, or to make an order as to the application of any property comprised in an existing marriage settlement, for the benefit of the children of the marriage. It is also provided that after the granting of a judgment absolute of divorce the wife

[1] As to the scope of these two subjects, see *In re Marriage Legislation in Canada*, [1912] A.C. 880.

[2] See *Journ. Comp. Leg.*, Third Series, vol. iii, pt. ii, p. 33; vol. xi, pt. ii, p. 52. The provision of the Ontario statute there in question was repealed in 1932 (c. 53, s. 17).

[3] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. ii, p. 37.

shall be regarded as a *feme sole* so far as her property and her right to contract are concerned. It would appear that the Supreme Court of Ontario continues to be without jurisdiction to decree judicial separation or restitution of conjugal rights, but under an old provincial statute it may make an order for alimony in favour of a wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights.

Husband's Liability for Wife's Tort.—The Married Women's Property Act (c. 33) provides as follows: "An action shall not lie against a husband for any tort committed by his wife before or after marriage nor shall he be joined in any action against his wife to recover damages for any tort committed by her."

Children's Maintenance.—The Children's Maintenance Act (c. 34) provides that a parent shall be liable for the maintenance and education of his child under the age of sixteen years, regard being had to his station in life and means and to the ability of the child to maintain himself. A parent who fails, without lawful excuse, to provide for the maintenance and education of his child according to his ability and the need of the child is liable, upon summary conviction, to imprisonment for not more than three months.

Assignment of Book Debts.—The Assignment of Book Debts Act (c. 35) repeals an earlier statute of 1923[1] and enacts in its place the uniform Assignment of Book Debts Act drawn by the Conference of Commissioners on Uniformity of Legislation in Canada—a uniform statute which has also been enacted in Alberta, Manitoba, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan.

Highway Traffic.—The Highway Traffic Act (c. 54) contains a number of amendments of the existing Highway Traffic Act, including regulations as to the mode of making right-hand turns and left-hand turns respectively into an intersecting highway. An interesting amendment is one which provides that "no person shall, while on the travelled portion of a highway, solicit a ride from the driver or operator of a motor vehicle other than a public vehicle." Another is the provision that "no motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances," and that violation of this provision shall be punishable by fine and suspension of licence.

Vicious Dogs.—The Vicious Dogs Act (c. 64) provides: "Where a dog is alleged to have bitten any person the owner of the dog may be summoned to appear before a police magistrate to show cause why the dog should not be destroyed, and if from the evidence produced it appears that the dog has bitten any person the magistrate may make an order that the dog be destroyed."

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Acts passed—43; Public—28; Private—15.

Domiciled Companies.—By c. 1, a company, corporation or body politic, wherever and however incorporated or constituted, (*a*) whose head

[1] See *Journ. Comp. Leg.*, Third Series, vol. vii, pt. ii, p. 54.

office, principal place of business or statutory domicile is declared to be located or situate within the Province by its memorandum of association, letters patent of incorporation, charter, articles of association, by-laws or otherwise, or which keeps or causes to be kept within the Province a principal or branch transfer agency or register or other transfer agency or register of issued securities, and (*b*) which maintains, keeps or locates or causes to be maintained, kept or located in an office within the Province of a trust company incorporated under the laws of the Province or licensed to carry on business in the Province such head office or principal place of business or statutory domicile or such transfer agency or register and (*c*) whose business and assets are not situate or carried on in the Province, and of which 95 per cent. in number and value of the issued securities are owned by non-resident persons and/or by a domiciled company or are owned or held by trusts or trustees for the benefit of non-resident persons, or non-resident persons and persons not yet born, are referred to in the Act as "domiciled companies." The Act imposes upon domiciled companies one provincial tax payable annually, as follows: where the company's paid-up capital is $1,000,000 or less, the tax is $200; over $1,000,000, the tax is $200, plus an additional $100 tax for each additional $1,000,000 or fraction thereof in excess of $1,000,000, but not exceeding a maximum tax of $1,500 per annum. This tax is in lieu of all other taxes, assessments, licences or rates by any municipal or other taxing authority in the Province as against the company or against any non-resident holder or owner of its issued securities or against its non-resident officers or directors, agents, trustees or representatives, or upon its revenue, assets or issued securities, and no transfer tax, inheritance or succession duty or other tax or impost shall be imposed, exigible or levied by the Province in respect of any purchase, sale, gift, donation, transfer, exchange, transmission or other acquisition, alienation or change of ownership of any of the assets of the domiciled company or of its issued securities. The issued securities include shares, stock, share warrants, share or stock purchase warrants, bonds, debentures, debenture stock, notes, bills of exchange, deposit certificates or receipts, participation certificates, open accounts or other evidences of indebtedness or of rights, issued by or on behalf of the company or under or for which it is obligated or liable. "Non-resident" as applied to persons means not domiciled in the Province and not residing therein more than 90 days in the year, and as applied to a company means not carrying on business in the Province.

Old Age Pensions.—C. 7 authorizes the Lieutenant-Governor in Council to enter into and carry out an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province, the moneys necessary for the purpose of carrying out such scheme to be a charge upon and paid out of the revenues of the Province. Orders in Council may be made for the purpose of carrying out the provisions of the Act. Provision is made for the appointment of a Board of Review to deal with special cases.

Superannuation Allowances for School Teachers.—By c. 8 teachers are required to contribute 2½ per cent. of their salaries to the superannuation fund, the additional amount necessary to pay superannuation allowances to be contributed by the government. Persons employed in the teaching service for thirty years or more may make immediate application for allowance. Teachers of fifteen or more years' service, of which two-thirds must have been rendered in the Province, may also make immediate

application for allowance on the ground of ill-health or physical or mental incapacity. The allowance is calculated upon the average yearly salary to the teacher during the five consecutive years of highest salary while employed in the Province, the amount varying with the number of years' service. The Act is to be administered by a Commission representing the Provincial Government and the Teachers' Federation.

Unemployment Relief.—By c. 9 an agreement made between the Government of Canada and the Government of the Province regarding relief of unemployment is ratified and confirmed, and provision is made for the carrying on of approved works in accordance with the agreement and the payment of relief.

Ticket of Leave.—By c. 13, a person imprisoned for offences against provincial statutes may be licensed to be at large within the Province upon such terms and conditions as may be directed or determined by the Lieutenant-Governor in Council.

Perpetuities and Accumulations.—C. 15 limits the period during which the existence of a future estate or interest in real or personal property may be suspended and during which the rents, profits or income may be allowed to accumulate to the life of a person or the survivor of several persons born or *en ventre sa mère* at the time of the creation of the future estate or interest and ascertained for that purpose by the instrument creating the same and sixty years computed from the dropping of such life or the minority of some person *en ventre sa mère* at the dropping of such life.

Assignment of Book Debts.—C. 17 is an adoption by the Legislature of the Province of the Model Act *re* Assignments of Book Debts prepared and recommended by the Conference of Commissioners on Uniformity of Provincial Legislation in Canada. This uniform Act has been adopted by all the Provinces except British Columbia and Quebec.

Joint Stock Companies.—C. 19 authorizes joint stock companies to issue shares without any nominal or par value.

Ancient Burial Grounds.—By c. 26 all burial grounds in which the freehold is not vested in a corporation or one or more trustees for cemetery purposes and which is no longer actually used for burial purposes are declared to be vested in the Attorney-General for the Province for the time being as a corporation sole, who is given power to take such legal proceedings as may be necessary to protect such burial grounds from being trespassed upon or defaced or damaged. Where such burial grounds are surrounded by privately owned lands permits may be granted by the Attorney-General authorizing entry of such property by *bona fide* visitors.

9. QUEBEC.

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

Acts passed—191; Public Acts—121; Private Acts—70.

Unemployed Aid.—In 1930, the Parliament of Canada passed an Act called the Unemployment Relief Act, 1930, authorizing an appropriation of funds in aid of the unemployed.[1]

This Act (c. 2) ratifies a contract entered into between the Federal authorities and the Minister of Public Works and Labour of the Province

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. ii, p. 39.

of Quebec, dated October 22, 1930. Under that contract, the Dominion shall pay to the Province for distribution to the municipalities concerned one-third of the amount expended by such municipalities for direct relief where suitable work cannot be provided for the unemployed ; there shall be paid by the Province for direct relief an amount equal to that contributed by the Dominion, and there shall be paid to the Province one-half of the amount expended by it in the unorganized districts. The Dominion shall pay to any municipality 25 per cent. of the cost of approved public works and undertakings necessary to supply suitable work for the unemployed in such municipality ; the Province shall pay 25 per cent. of such cost and the remaining 50 per cent. shall be assumed and borne by the municipality, such contribution being subject to the submission to the Minister of Labour that a serious unemployment situation exists in the municipality. The Dominion may, under similar circumstances, pay to the Province one-half of the cost of public works and undertakings which may be carried on in the Province to provide suitable work for the unemployed. Should such works be the construction of provincial highways other than the Trans-Canada Highway, the proportion payable by the Dominion shall not exceed 40 per cent. The amount of the Dominion's contribution shall not exceed $2,850,000. The agreement is subject to the condition that fair wages will be paid and hours of work not exceeded on all public works in accordance with the intent of the Fair Wages and Eight-Hour Day Act, 1930, and the Fair Wages Policy of the Government of Canada as set forth in Order in Council of June 7, 1922, and that all persons employed on such public works shall be, as far as possible, residents of the locality in which the work is being performed and without regard to their political affiliations.

The Act provides for authorization by the Provincial Cabinet to the Provincial Treasurer to pay the sums required for the carrying out of this agreement, and for the issuance of bonds or inscribed stock on the credit of the Province. Every municipality, however incorporated, is authorized to contribute out of its funds to the extent of the sums which it may be called upon to pay under the terms and conditions of a Dominion Order in Council dated September 26, 1930. It may borrow money for that purpose, and issue bonds to guarantee the repayment of such loans. It may acquire the real estate required for such works, and expropriate, if necessary. It is authorized to transfer to churches and schools the amounts required for the erection or improvement of such works. The material employed shall be, as far as possible, of Canadian origin.

By c. 3, certain works undertaken by municipalities before the passing of c. 2 are ratified, as well as the loans made for such purpose.

Monument to Jacques Cartier.—By c. 11, the Cabinet is authorized to contribute to the extent of $100,000 to the erection, at Gaspé, of a monument to commemorate the fourth centennial of Jacques Cartier's arrival in Canada and of the introduction of Christianity in North America.

Public Works Department.—By c. 19, the Department of Labour is detached from the Department of Public Works. The Minister of Public Works has the management, custody and control of all public works, immoveables and public buildings belonging to the Province, and all buildings destined for the residence of the Lieutenant-Governor or for offices for the public departments ; provides for the interior disposition and for the furnishing of such public buildings ; exercises control over the property of all railways built or subsidized by the Government in

virtue of provincial laws, and over the works connected therewith and dependencies thereof; has the management and control of the construction, maintenance and repair of the public buildings, bridges, roads, drainage or other public works in process of construction or maintained wholly or in part at the expense of the Province; he further has control over all other works undertaken at the expense of the Province and all immoveables acquired by the Government of the Province which the Lieutenant-Governor in Council declares by proclamation to be subject to the provisions of this Act; and has the supervision and control of the Provincial Fire Commissioner and of his officers. He has under him, among other officers and employees, a secretary and an engineer-director, whose duties are to prepare maps, plans and specifications for all public works which are about to be constructed, altered or repaired by the Department; report for the information of the Minister on any question relating to public works which may be submitted to him; examine and revise the plans, estimates and recommendations of other engineers and officers in connexion with the Department, and generally advise the Department on all engineering questions affecting the public works of the Province.

As to the Minister of Labour, he institutes and controls inquiries into important industrial questions as well as into labour conditions, and may collect statistics relating thereto, and transmit the same to the Quebec Bureau of Statistics; he has charge of the carrying out of any Acts respecting riots near public works; disputes between employers and employees; municipal strikes and lockouts; employment bureaus; minimum wages for women; safety in public buildings; inspection of scaffolding; protection of the public from fire; installation of lightning-rods; safety and inspection of industrial establishments; stationary engineers; weekly day of rest for industrial employees; labour accidents; Workmen's Compensation Commission, and, generally, everything concerning artisans, workmen and day and manual labourers.

Election Act.—By c. 20, amending the Quebec Election Act (Revised Statutes, 1925, c. 4), the Cabinet may order, for the city of Montreal, the establishment of a permanent office called City Electoral Lists Office; appoint a special officer who shall have charge of such office and of the preparing of the electoral lists; appoint such persons as it may deem necessary to assist such special officer, and provide for the remuneration of such officer and of those under him. No proceedings by *certiorari*, prohibition, injunction or *mandamus* shall be taken against the special officer, his assistants, the board of revisors and its employees, or against any other person, with respect to the preparing, the revising and the putting into force of the lists for the city of Montreal, but the special officer or the substitute for the special officer who refuses to furnish a list, as provided by the Act, may be compelled so to do by *mandamus*.

Public Officers.—By c. 22, every person appointed to any office, function or employment, every mayor, every member or officer of any public corporation, and every person admitted to practise as an advocate, notary or land surveyor shall take and subscribe the oaths of allegiance and office.

Pensions.—C. 23 adds to the enumeration of civil servants entitled to be pensioned under c. 11 of the Revised Statutes, 1925, the engineers and divisional inspectors attached to the Roads Department, and the land surveyors attached to the Surveys Branch thereof.

C. 24 further amends the Pension Act by providing that every public officer or employee who has been a member of the civil service for at least fifteen years and who accepts a governmental employment or office to which this Act does not apply shall, for the purpose of this Act, be deemed a member of the civil service provided that he continues to contribute to the pension fund by means of the annual deduction of 3 per cent. provided for by this Act. Nevertheless, if the Act governing the employment or office accepted by such public officer or employee provides a pension for the holder thereof, the latter may, for the purpose of his pension, choose between the provisions of this Act and those of the other Act. Such option shall be exercised by means of a notice in writing to the Provincial Treasurer within the month following such appointment.

Succession Duties.—By c. 29, the law passed on April 4, 1930, replacing c. 29 of the Revised Statutes of 1925, is again amended as to the quantum of the duties exigible in various cases. S. 36 of the repealing Act is replaced by the following:

When it is shown, to the satisfaction of the Provincial Treasurer, that in the United Kingdom or in any part of the British Dominions other than the Province of Quebec, or in any foreign country, any succession duty whatever is levied on account of any property that is also subject to succession duty according to the law of this Province, he may then make, for the duty so paid, an allowance from the duties payable in the Province with respect to the same property. Such allowance, however, may be made only if the Lieutenant-Governor in Council has extended the provisions of this section to the United Kingdom or such British Dominion or such foreign country, after an understanding has been arrived at that similar treatment will be accorded by the United Kingdom or such British Dominion or foreign country to the Province of Quebec.

Gasolene.—C. 30 amends c. 36 of the Revised Statutes. Every person who sells gasolene, whether intended for the operation of motor vehicles or for other purposes, must render an account to the Provincial Treasurer of the deliveries made to him. Every person who sells or delivers gasolene without a licence, or, being a vendor of gasolene, refuses or neglects to give a monthly account to the Revenue Branch of the Province, at Quebec, of the quantity of gasolene which such person has acquired, delivered and on hand, or fails to permit a revenue officer to make, in each of the establishments of such person, the visits, examinations, verifications and inspections and to secure the information mentioned in the Act, shall be liable to a fine and costs. Every person who, being agent for the Revenue Branch of the Province, refuses or neglects to collect the duties imposed by the Act or keep account thereof, shall be liable to a fine not exceeding $1,000, and in default of payment of such fine and costs, to imprisonment for three months. Whenever a judgment is given against a firm, partnership, club or corporation, it may be executed against the members of the firm, against the individual partners, against the president of a club or corporation, if a resident of the Province; if not, against its manager or representative in the Province. His Majesty in the rights of the Province may, in addition to the recourses under the Act, apply to a judge of the Superior Court and obtain an injunction against any vendor who sells gasolene without a licence in force, or who has not paid the duties owing under the Act after the expiration of the delay fixed in a written notice given him by the Comptroller of Provincial Revenue, such injunction ordering the closing of his establishments and the ceasing

of his sales, until a licence is issued or again put into force, or until full payment of the duties, in addition to all costs. The Cabinet may make regulations for the carrying out of the Act, contravention of which may be punished by a fine of $10 to $100, and costs.

Illuminated Signs.—By c. 31, it is forbidden to display an illuminated sign advertising alcoholic liquor, other than beer or wine, within the limits of a city or town, under pain of a fine of $10 for the first offence, and $25 to $100 for each subsequent offence, and in default of payment of the fine and costs of an imprisonment not exceeding one month.

Utilization of Forest Products.—By c. 34 the Cabinet may, by letters patent, create a commission consisting of not more than five members and entrusted with the study of economic problems connected with the supply of merchantable timber, and the making of practical suggestions to promote the manufacture, classification, sale and rational utilization of forest products of the Province, both in Canada and abroad. The members of the Commission shall remain in office during good pleasure, and receive no remuneration for their services. The Cabinet shall also appoint the secretary and employees of the Commission, who will be paid out of a fund to which the Province will contribute $10,000 annually, and which may be increased by donations.

Radio.—By c. 36, it is forbidden for any person to have in his possession and to put, or intend to put, into operation a radio transmitter or receiver, unless he holds a licence still in force, issued by the Minister of Lands and Forests. A search warrant authorizing to seize such radio transmitters or receivers may be issued by a justice of the peace, judge of sessions, police or district magistrate. The Cabinet may make regulations respecting the use of radios, which come into force on the day of their publication in the *Quebec Official Gazette*. In addition to fines and costs imposed upon persons in possession of radio transmitters or receivers without licence, such instruments may be declared forfeited to the Crown.

Bees.—By c. 43, amending s. 12 of c. 71 of the Revised Statutes, 1925, no person shall spray a fruit tree by sprinkler or otherwise, using any mixture containing any compound of arsenic or any other poison hurtful to bees, during the time such fruit tree shall be in bloom.

Silicosis.—By c. 47, silicosis is said to be a fibroid condition of the lungs caused by the inhalation of silica dust. By c. 46, amending the Quebec Mining Act, every workman employed underground in any mine shall be examined at least once in every twelve months by a medical officer appointed under the Workmen's Compensation Act, for silicosis, and if the medical officer finds that the workman is free from tuberculosis of the respiratory organs, he shall deliver to him a certificate, to remain in force not more than twelve months. A like certificate shall be required in the case of a workman engaged in any ore or rock-crushing operations at the surface of the mine, except where the ore or rock is crushed in water or a solution and kept constantly in a moistened or wet condition. The Director of Mines may exempt from the provisions of this section any mine which does not contain silica in quantity sufficient to produce silicosis.

By c. 47, no person shall be employed in the cutting, polishing or finishing of granite who is not the holder of a valid certificate issued by a medical officer, valid for a period of one year and renewable. Every owner, manager or superintendent of any workyard or shop where the

cutting and polishing of granite is carried on shall furnish, at his expense, the masks or other safety devices approved by the Minister of Mines.

Game Laws.—By c. 51, notwithstanding any provision to the contrary, the Cabinet may prescribe the period of time during which the killing of bears shall be permitted, in such electoral districts as it may from time to time determine. The Minister may pay, out of the revenues derived from the carrying out of this Act, a bounty to any inhabitant of the Province who proves to him, by cleaning and sending to the Department, at his own expense, the entire pelt of the bear killed, including the scalp, with a declaration sworn to before a justice of the peace, establishing the place where and the date on which he killed such bear. Such pelt shall be returned to the shipper at the Department's expense.

Expropriations under the Roads Act.—By c. 52, when hearing a case to fix the compensation payable for land and damages caused, the Quebec Public Service Commission finds that a building wholly or partly occupying such land can be moved advantageously for the party expropriated and that such moving will have the effect of reducing the cost of the expropriation, it shall adjourn the hearing of the case and make an order to the effect that the building can be moved, stating therein to what place the building may be put and fixing the delay in which the party expropriated may effect the removal. If the party fail to move the building within the delay fixed by the Commission, a judge of the Superior Court, sitting in the district where the case is pending, may, by a warrant of possession, or a supplementary warrant when a warrant of possession has already been issued, authorize the Minister of Roads to move the building and place it where indicated by the Commission. After the building has been moved, the Commission, on the application of one of the parties, shall continue the hearing of the case and shall fix the compensation, including the necessary expense incurred by the party expropriated to move the building.

Education.—By c. 60, amending the Education Act, every secretary-treasurer of a school board, before acting as such, shall make oath faithfully to discharge the duties of his office. He shall give security, to an amount to be fixed by the school board at not less than $1,000, by a pledge of money or debentures or a guarantee policy. The members of the school board who permit him to act as secretary-treasurer without such security shall be jointly and severally liable with him towards the corporation for the due performance of his duties and for the payment of all moneys for which he may be accountable in the exercise of his office. On or before the last day of August of each year, the secretary-treasurer shall transmit to the Superintendent of Education the renewal of his guarantee policy. Every member of the school board who, thirty days after the receipt of a notice by letter from the Superintendent of Education informing him that the secretary-treasurer has not complied with the law regarding security, continues to maintain him in office, shall, in addition to the responsibility already mentioned, be liable to a fine of $10 to $20 in addition to the costs, and such fine may be imposed for each day the board so continues to employ such secretary-treasurer. Suits for the recovery of such fines and costs shall be taken, on the authorization of the Superintendent of Education, in the name of the collector of revenue for the district.

Jewish Children of Montreal and Outremont.—By c. 63, certain agreements entered into between the Jewish School Commission of Montreal and the Protestant Board of School Commissioners of Montreal on the one hand, and the Protestant School Trustees of Outremont on the other, are ratified and confirmed, and the Commission is continued in existence for the purpose of carrying out these agreements, with perpetual succession. Jews are considered as Protestants for the purposes of assessment for school purposes and contributions to the school fund.

Tear Bombs.—This name is given to any apparatus or device used to project or emit a gas or any other substance productive of tears. They cannot be possessed by anyone, elsewhere than in his dwelling-house, or carried concealed on one's person, without a permit, or sold or lent to persons not bearing such permit from the Chief of Provincial Police. Failure to keep records of the sales of tear bombs or to note the permit of the purchasers, or issuing permits without lawful authority, are offences rendering one liable to a fine not exceeding $50, and in default of payment of the fine and costs, to imprisonment for not more than one month. For a subsequent offence the penalties are doubled. Nothing in the Act (c. 75) shall apply to the having upon his person or the carrying by any member of His Majesty's Naval, Military or Militia Forces, or by any peace or immigration officer, of one or more tear bombs, or to any *bona fide* selling of tear bombs by any manufacturer or person trading wholesale in tear bombs to any person *bona fide* dealing in such articles and having an established and fixed place of business. Every constable or peace officer may search any person whom he has reason to believe to have upon his person one or more tear bombs, and may seize any tear bomb illegally in the possession of any person not having a proper permit. Any tear bomb possessed or carried in violation of the Act shall be declared forfeited to the Crown.

Lightning-rods.—By c. 76, every maker and every agent who installs or causes to be installed a lightning-rod must, within fifteen days of its installation, transmit to the Minister of Public Works, by registered letter, a notification setting forth the date and place of installation, the number of aerial points contained therein, and the name in full of the person for whom such installation was made.

Public Charities.—By c. 81, in the case of the hospitalization of a person declared indigent by a magistrate or recorder, any municipality which has paid a sum of money to the Government for the expense of the maintenance, keeping and treatment of such person in a public charitable institution may exact reimbursement by means of a suit and enforcement in the ordinary manner, on the property of the person so hospitalized or on the property of persons obliged to come to his assistance and support; such recourse to be prescribed by three years from the date of the payment made to the Government.

By c. 82, if it is established to the satisfaction of the Provincial Secretary that an indigent coming from a territory not erected into a municipality must be hospitalized, the bureau of public charities may, out of the funds placed at its disposal, pay all further sums that it deems necessary in addition to the third placed at its disposal by law. Notwithstanding any provision to the contrary, when the bureau of public charities, from motives of humanity and protection of the public, deems expedient the hospitalization of a person whose indigent state has not been admitted by a municipality, it may, however, under the Provincial

Secretary's authority, pay for the whole or part of the hospitalization of such person.

Companies.—By c. 88 amending the Quebec Companies' Act, the directors shall elect from among themselves a president, and, if they see fit, a chairman of meetings and one or more vice-presidents of the company, and may also appoint all officers thereof. When the board of directors of a company consists of more than six directors, it may, if thereunto authorized by by-law regularly adopted by the vote of at least two-thirds in value of the shares represented by the shareholders present at a special general meeting of the company, elect from among its members an executive committee composed of at least three directors. The executive committee may exercise the powers of the board of directors delegated by such by-law, subject to the restrictions therein contained and subject to the other by-laws which may be enacted from time to time by the directors.

By c. 89, when the capital of a company is composed of subscribed and paid-up shares and the nominal value thereof is expressed in foreign currency, the division of profits and the repayment of capital shall be calculated and payable in currency of the same country, effective as a medium or discharge at the time of the division.

Professional Syndicates.—By c. 98, such syndicates may, in addition to the powers granted to them by the Professional Syndicates Act (Revised Statutes, c. 255, as amended), establish and administer special indemnity funds for the heirs or beneficiaries of deceased members and special funds for superannuation, assistance in case of illness, unemployment or other funds of a similar nature, which shall be governed exclusively by by-laws approved by the Cabinet. They may also exercise, before any court of law, all the rights of their members with respect to acts directly or indirectly prejudicial to the collective interest of the profession they represent. If it be stipulated in any contract that workmen, or the members of a syndicate, union or federation of syndicates, shall receive a stated wage, such workmen or members, although not a party to the contract, are entitled to the rate of wages therein stated, notwithstanding any renunciation thereto afterwards agreed upon by them, whether express or implied. The groups who may appear before the courts and who are parties to a collective labour agreement may exercise all rights of action arising out of such agreement in favour of each of their members, without having to establish a transfer of claim by the person interested, provided that the latter has been advised and has not declared that he was opposed thereto. The person interested may intervene at any time in the proceedings taken by the group. Whenever an action arising out of the collective labour agreement is brought by a person or by a group, the other groups with authority to appear before the courts, whose members are bound by the agreement, may intervene at any time in the proceedings taken, on the grounds of the collective interest which the result of the litigation may have for their members.

Workmen's Compensation.—C. 100 amends the laws passed in 1928 for accidents happening on and after September 1, 1931. Industries are divided under two schedules, schedule 2 comprising the construction and operation of railways, car shops, machine shops, steam and power plants and other works operated in conjunction with a railway, telephone or telegraph lines, steam vessels, express companies operating in conjunction with a railway, sleeping car companies, the construction or operation

of a bridge connecting the Province with an adjacent province or state, but not its construction when not undertaken by the owner of the bridge. All other industries fall under schedule 1, in which case employers are bound to contribute to an accident fund out of which compensation is paid. Accidents happening outside of the Province give the right to the compensation under the Act only where the employer has a place of business or an undertaking in the Province and the residence and usual place of employment of the workman are therein, or where a workman residing in the Province is obliged by the nature of his employment in a transportation business by land to perform his work within and without the Province, or where the vessel on which he is employed is registered in a Canadian port and the accident happened in the territorial waters of Canada. Where by the law in force in the place in which the accident happens the workman or his dependents are entitled to compensation and are also entitled to compensation under the Act, they shall be bound to elect between such law and that of the Province, and to give notice of such election to the Commission within three months, in default of which it shall be presumed that they have elected not to claim compensation under the Act. No action before any court of justice shall lie for the recovery of the compensation whether it is payable to the employer individually or out of the accident fund, but all claims for compensation shall be heard and determined exclusively by the Commission, whose decision shall be final. (The constitutionality of this claim has been questioned, and the matter is *sub judice*.) The Commission is composed of three members, vested with all the powers of a corporation, with their seat in the city of Quebec. The sittings of the Commission shall be held at the city of Quebec or in any place in the Province, at any time it may deem expedient. Upon the depositing in the office of the clerk of the Superior Court at Quebec of an authentic copy of the decision of the Commission, the court may, upon a summary petition of the Commission or of any interested party, homologate the decision, which shall become executory as any other judgment. Judgments homologating decisions of the Commission shall be final and without appeal.

The law also contains provisions for contribution by the Province, accident fund, statements to be furnished by employers, assessments, industrial diseases and preventive associations.

Civil Rights of Women.—By c. 101, several provisions of the Civil Code and of the Code of Civil Procedure are amended as regards the civil rights of women. If a husband be inderdicted, or unable to make his will known within the requisite time, through absence or otherwise, the judge may authorize the wife either to appear in judicial proceedings or to contract. Separation from bed and board confers upon the wife full civil capacity to act without the necessity of marital or judicial authorization. The husband cannot, without the concurrence of his wife, dispose by gratuitous title of the real estate of the community or of the whole or of an aliquot part of its personal property except for the establishment of their common children. Where the husband refuses or is unable to act, the wife, with the authorization of the judge, may exercise alone or in her name an action to recover damages for personal injury. The husband must be impleaded, but shall incur no liability, either personally or as head of the community, unless he takes part in the contestation. Under all the systems, and subject to the penalty of the nullity of any covenant to the contrary, the proceeds of the personal

work of the wife, the economies therefrom and the property acquired by her on an action for injury, are reserved to the entire administration of the wife. Creditors of the wife may proceed for the payment of their claims against such reserved property. The wife may appear before the courts without authorization in any suit or contestation respecting her reserved property.

Discovery.—By c. 110, in an action resulting from bodily injury, or from sickness, the defendant may, before pleading, require that the claimant, or the person for whom the claim was made, submit to a medical examination by a physician chosen and paid by the defendant, and in the presence of the claimant's physician.

10. SASKATCHEWAN.

[*Contributed by* J. P. Runciman, Esq., *Legislative Counsel.*]

Acts passed: Public—95; Private—5.

Revised Statutes.—The Commission appointed in 1928 to revise and consolidate the statutes completed its task in November 1930, and the revision and consolidation, intituled "The Revised Statutes of Saskatchewan, 1930," was brought into force by proclamation on February 1, 1931. The statutes, which have been arranged in appropriate groups, number 268 chapters running to 3,550 pages, and are contained in three volumes. In an appendix, published as a separate volume, are found certain constitutional and other Acts affecting the Province (Schedule I), while Schedules II, III and IV show respectively (1) the history and disposal of Acts; (2) the Acts and parts of Acts repealed from the coming into force of the Revised Statutes; and (3) the Acts and parts of Acts omitted from the consolidation but remaining unrepealed. The index is also contained in this volume.

Natural Resources.—Under the Saskatchewan Act "all Crown lands, mines and minerals and royalties incident thereto and the interest of the Crown in the waters within the Province" continued to be "vested in the Crown and administered by the government of Canada for the purposes of Canada." These resources having been transferred to the Province, the following Acts governing their administration and control were placed on the statute book, namely, the Department of Natural Resources Act (c. 11), the Provincial Lands Act (c. 14), the Forest Act (c. 15), the Mineral Resources Act (c. 16), the Water Rights Act (c. 17), the Water Power Act (c. 18) and the Provincial Parks and Protected Areas Act (c. 20).

Land Settlement.—The preamble to c. 22 sets forth the desirability of unoccupied provincial lands suitable for agriculture being settled by Saskatchewan citizens who are experienced in, and conversant with, local methods of farming; and the Act authorizes advances, not exceeding $500 in any one case, to assist in settling qualified persons upon these lands.

Escheats.—In so far as it affects real property, Act No. 27 comes into existence in consequence of the acquisition by the Province of its natural resources. It also embodies the provisions of the Forfeited Personal Property Act, which it repeals.

Where the Crown, in right of Saskatchewan, is entitled to any real or personal property by reason of the person last seized thereof or entitled

thereto having died intestate and without heirs, or by reason of any corporation, association or society having been finally dissolved or wound up or having ceased to exist, the Attorney-General may cause possession thereof to be taken in the name of His Majesty or, if possession is withheld, may cause an action to be brought for recovery thereof, without an inquisition being first made.

The Lieutenant-Governor in Council is empowered to make a grant of any such real or personal property (*a*) to any person who had a legal or moral claim upon the previous owner or a just or natural right or claim to succeed to his property; (*b*) to carry into effect any disposition which the previous owner intended; (*c*) to reward any person making discovery of such property to His Majesty.

Crown Administration of Estates.—Act No. 28 provides for administration by the Attorney-General of the estates of persons dying in Saskatchewan intestate, or intestate as to a part of their estates, and without leaving any known relative in the Province, or any known relative who can be readily communicated with, living elsewhere.

Surrogate Courts.—In connexion with the resealing of letters of administration the Surrogate Courts Act contains a provision to the following effect:

> The letters of administration shall not, except in the case of letters of administration granted to the public trustee appointed under the provisions of the Public Trustee Act, 1906 (Imp.), be sealed with the seal of the surrogate court until a certificate has been filed, under the hand of the clerk of the court which issued the letters, that security has been given in that court in a sum of sufficient amount to cover as well the assets within the jurisdiction of such court as the assets within Saskatchewan.

An amendment (No. 29) provides that the judge may, if he deems it expedient in any case, notwithstanding that a certificate has been filed as above mentioned, refuse to seal letters of administration until security is given in a sum of sufficient amount to cover the assets within Saskatchewan.

Wills.—Act No. 34 was drawn by the Conference of Commissioners on Uniformity of Legislation in Canada. Its provisions do not depart materially from those of the Act which it replaces, but it contains one important new provision which authorizes the making of holograph wills. A holograph will, wholly in the handwriting of the testator and signed by him, may be made without any further formality or any requirement as to the presence of or attestation or signature by any witness.

Agricultural Relief.—Owing to depressed economic conditions, caused mainly by drought and low prices received for grain, a number of measures were passed by way of relief, namely, the Debt Adjustment Act (c. 59), the Municipalities Relief Act (c. 48), the Temporary Seed Grain Advances Act (c. 62) and an Act respecting the Postponement of Issue of Certificate of Title to Land sold for Taxes (c. 50), the object of which is to keep experienced agriculturists on the land.

Debt Adjustment.—Although Act No. 59 contains some of the elements of a moratorium, it is in reality what its title implies, namely, an Act to facilitate the Adjustment of Agricultural Debts.

The Act provides for the appointment of an officer to be known as the Debt Adjustment Commissioner, and authorizes him, upon application of any farmer, after due inquiry, to issue a certificate that the person named therein is entitled to the benefit of the Act.

When a certificate has been filed in the proper registry offices, no proceeding in the nature of an execution, or proceeding leading to the foreclosure or sale of real property, or proceeding of any sort, either in court or extra-judicial, which may lead to the seizure or sale of the property of the farmer, or property held by him under a conditional sale agreement, can be taken or continued without leave in writing of the proper district court judge or the commissioner, upon application of a creditor.

On the other hand, no sale, conveyance or mortgage by the farmer of any of his real or personal property in the Province has any validity unless made or done with the authority in writing of the commissioner.

Municipalities Relief.—Act No. 48 empowers rural municipalities to borrow money and expend it from time to time in the purchase of flour, coal, wood, fodder, gasolene, motor oil and repairs to implements, to be supplied to such farmers and other residents as, in the opinion of the municipal council, may be unable to purchase the same without assistance and have become unable to do so through failure of crops or other adverse conditions. Assistance may be given only until June 1, 1931. Recipients of relief give notes to the municipality, and amounts remaining unpaid thereon after August 1, 1931, are recoverable in the same manner as municipal taxes.

Seed Grain Advances.—The Temporary Seed Grain Advances Act (c. 62) empowers the Lieutenant-Governor in Council to authorize the Provincial Treasurer to borrow from the Dominion Government and to lend to rural municipalities, out of moneys so borrowed, such sums as are necessary to supply seed grain to farmers who, owing to crop failure or other adverse conditions, are unable to procure the same from their own resources for the spring seeding season of 1931. The municipality takes from the farmer a lien agreement, which is created a charge upon the crops covered thereby; and sums owing to the municipality are declared to be a charge upon the land.

Postponement of Issue of Certificate of Title.—Act No. 50 directs registrars of land titles to withhold, until December 31, 1931, the issue of certificates of title to tax purchasers of lands sold for taxes in the year 1928 or in any preceding year, in respect of which certificates of title have not been issued. But any municipality may pass a resolution excepting any specified land or all the land in the municipality from the foregoing provision; and, when a certified copy of the resolution is filed with the registrar of the proper land titles office, the registrar proceeds as if the Act had not been passed.

Garage Keepers.—Under Part 1 of c. 63 every garage keeper who renders services in respect of a motor vehicle is given a lien thereon to an amount not exceeding the charge, price or consideration for such services. The Act also confers upon the garage keeper right to detain the vehicle and to sell it at public auction after due notice, retaining from the proceeds of sale his charges and expenses and paying over the balance to the person entitled thereto.

Part II of the Act protects the proprietor of a battery service station from loss in respect of a storage battery supplied to any person under an agreement for hire, provided that the word "rental" is printed, painted, stamped or embossed upon the battery or upon a tag or disc attached thereto, together with such other name or mark as is sufficient to identify the battery as the property of the proprietor. Provision is made for

recovery in a summary manner of a battery unlawfully retained, along with compensation for any damage thereto and rent due for the use thereof.

Vehicles.—Some important amendments (c. 71) were made to the Vehicles Act. Every person who drives a motor vehicle must now hold an operator's licence, and persons who have not had sufficient previous experience must satisfy an examiner of their proficiency before receiving a licence. Persons under the age of 16 years are prohibited from holding licences.

As a result of serious accidents, other amendments provide that :

> Every vehicle other than a motor vehicle shall, while in operation on a public highway, during the period from sunset to one hour before sunrise and at all times when necessary owing to fog or other atmospheric conditions, carry on the rear a red light plainly visible under normal atmospheric conditions for a distance of 200 feet, or a red reflecting device so placed as to be illuminated by the lights of an approaching motor vehicle,

and that

> All stationary vehicles, machinery and other obstructions on a public highway shall during the period from sunset to one hour before sunrise and at all times when necessary owing to fog or other atmospheric conditions, be illuminated in such a manner as to give users of the public highway due warning of the obstruction.

No motor vehicle may pass another motor vehicle travelling in the same direction unless the view is unobstructed for a distance of 300 feet.

Except in the case of death or injury to an infant, no action can be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiry of six months from the time when the damages were sustained.

Weekly Half Holiday.—Subject to certain exceptions, every shop in a city with a population of 7,000 or over must be closed for the service of customers not later than 12 o'clock noon (local time) on Wednesday in every week during the period between April 1 and August 31 in each year ; and this provision extends to shops where there are no employees. The Act (c. 81) does not apply in respect of any week which includes Good Friday, Victoria Day, Dominion Day or any day appointed by proclamation and declared to be a public holiday.

11. NEWFOUNDLAND.

[*Contributed by* Brian Dunfield, Esq., *Deputy Minister of Justice.*]

Statute of Westminster.—C. 1 is a resolution to the effect than a humble address be presented to His Majesty the King for the passing of a statute to be known as the " Statute of Westminster," providing for the relations which will exist in future between the legislation of the United Kingdom and the legislation of the several Dominions, including Newfoundland.

It is provided in the penultimate paragraph that no provision of the proposed Statute of Westminster shall extend to this Dominion as part of the law thereof unless it is first adopted by the Parliament of this Dominion.

Arbitration.—C. 2 gives effect as regards Newfoundland to the Protocol on Arbitration Clauses signed on behalf of His Majesty at the meeting of the Assembly of the League of Nations on September 24, 1923,

and to a Convention on the Execution of Arbitral Awards signed on behalf of His Majesty at Geneva on September 26, 1927. The provisions of the Act are similar to those of the Imperial statutes on the same subject. The general effect is to enable the award in an arbitration held in a foreign country, party to the Convention, to be availed of in Newfoundland.

National Flag.—C. 3 provides that the Union Flag shall be the national flag of Newfoundland; that a Red Ensign with the badge of Newfoundland shall be the proper national colours for vessels registered in Newfoundland; that the Union Flag with the badge of Newfoundland in the centre on a circular white ground and surrounded by a green garland shall be flown by the Governor or officer taking his place; and that a Blue Ensign with the badge of Newfoundland in the fly shall be worn by official vessels of Newfoundland Government, together with a Blue Pendant when such vessels are armed.

Colonial Secretary.—C. 10 changes the title of the Minister heretofore known as the Colonial Secretary, who is hereafter to be known as the Secretary of State.

Public Health and Welfare.—C. 12 is a very elaborate Act of some seven hundred and nine sections, which completely reconstitutes the law on the subject of public health and public welfare. A bureau is now constituted which will have the care of all matters coming under this head. The statute deals in detail with the inspection of food; cold storage; standards for food, vinegar and drugs; health of school children; vaccination; quarantine; spitting; water protection; hospitals; registration of nurses; public health nursing service; the training and practice of midwives; public service for the prevention and cure of tuberculosis; the care of the deaf and the blind; the sale of narcotics and poisons; the sanitation of logging and other industrial camps, the sanitary care of ships and vehicles of common carriers; the subject of insanity, including the Hospital for the Insane at St. John's; the subject of venereal disease; the care of the aged and infirm, including the institution for such persons at St. John's; the maintenance of parents, wives and children, including the subjects of illegitimacy and desertion; and the welfare of children, including the crippled, defective, delinquent and neglected. It appears unnecessary to explain this very voluminous Act in detail, as the sections speak for themselves.

Department of External Affairs.—C. 14 establishes a Department of External Affairs, which has not heretofore existed in this Dominion. The Act provides only the nucleus of an organization, and for the time being matters coming under it are being attended to by the Prime Minister's Department and the Department of Justice.

Securities Frauds Prevention.—C. 15, an Act for the prevention of fraud in connexion with the sale of securities, provides for the control of stockbrokers and the like. Persons and companies engaged in the selling of stocks and bonds are hereafter to be registered, subject to the approval of the Attorney-General. S. 4 sets forth certain special cases in which such registration shall not be necessary. Applicants for registration are to submit such information as shall satisfy the Attorney-General that they are fit persons for registration, and are to give bonds which will in whole or in part secure those dealing with them in case any fraud is committed. Provision is made for the investigation of the accounts and affairs of brokers under direction of the Attorney-General, and for the suspension of their right to do business in case of irregularity. S. 13

contains provisions for the disclosure of certain information by brokers to their customers, the intent being to prevent or hinder that class of transaction commonly known as "bucket shop trading." Part IV provides for the audit of the affairs of brokers at the instance of the Attorney-General.

Summary Jurisdiction.—C. 16 makes some additions to and corrections in the Summary Jurisdiction Act of 1930 and the schedules thereto. The principal change is that the jurisdiction of magistrates is somewhat extended, they being given power to deal with offences involving a sum of money larger in some cases than those laid down under the Act of 1930.

Criminal Law.—C. 17 provides that upon the trial of a charge of manslaughter arising out of the operation of a motor vehicle, the jury may find the accused not guilty of manslaughter but guilty of causing bodily harm by furious driving or wilful neglect. This is under the Act of 1925 an indictable offence.

Potatoes and Turnips.—C. 19 provides for the grading of potatoes and turnips, and for their marking according to grade; also for the punishment of persons who falsely mark any such potatoes or turnips so as to mislead the purchaser as to the grade.

Salt Codfish.—C. 24 incorporates all the known fish exporters of Newfoundland as the Salt Codfish Exporters' Association. The association is given power to recommend members for the Salt Codfish Exportation Board to be appointed by the Governor in Council. The association may also regulate the export of salt codfish, subject to the approval of the Governor in Council, and may establish grades for the article. The Board is to administer the system of regulation. Under s. 13 the licensed fish exporters of any electoral district have power to petition for the discontinuance of the operation of the Act in respect to the district. The Act is designed to bring about, if possible, co-operation among exporters in their mutual interest and in the interest of the Dominion.

Posts and Telegraphs.—C. 26 extends the operation of c. 20 of 1930, which provides for the use of automatic machines for printing stamps upon mail matter. Under the present Act the same machines may be used for impressing postage stamps on any other matter, such as cheques, where postage stamps may lawfully be used.

Telegraphic Messages.—C. 27 alters the method of collection of the stamp tax on telegraph messages. Stamps are not to be affixed as heretofore, but the cable companies, etc., are to collect the tax and make returns to the Minister of Posts and Telegraphs.

Life Insurance.—C. 29 amends the law relating to life insurance, and follows very closely the lines of what is known as the Uniform Life Insurance Act now in force in most of the Provinces of Canada. The greater part of the life insurance business of this Dominion is done by Canadian companies, and it appeared advisable for the sake of uniformity that the law in this Dominion should be the same as in most of the Provinces of Canada. There is not, however, any very substantial change in the law of Newfoundland as it previously stood.

12. BERMUDA.

Acts passed—51.

Glebe Land.—No. 1 empowers the Synod of the Church of England in Bermuda, with the concurrence of the rector for the time being of any parish, to grant title in fee simple absolute to the owner of any glebe land

which has been sold in fee simple conditional under the authority of any Act of the Legislature.

Companies.—No. 18 prohibits the use of the word "limited" or any contraction thereof in the name or title of any person or persons carrying on business unless duly incorporated with limited liability, and penalizes such use by a fine not exceeding £5 for every day upon which the title has been used.

Immigration.—No. 25, a consolidating and amending Act, constitutes a Board of Immigration consisting of a chairman, a deputy chairman and not less than three nor more than five members. It provides for the appointment of immigration officers and defines their duties, among which is that of inquiry into the desirability or otherwise of the landing of passengers, other than a returning native of the Islands, and the grounds of undesirability are set out. It forbids the landing of passengers without permits and prescribes the method of enforcing this principle; through passengers may only land on written permission. Permission for the landing of immigrants is granted only on their compliance with certain prescribed conditions, and power is given for the deportation of undesirable immigrants, stowaways and others.

Civil Pensions.—No. 28 provides that where a civil servant holds at the same time a substantive and an acting post, his salary in respect of such acting post shall not be liable to deductions towards superannuation.

Registration of Designs.—No. 32 reduces the charge for the registration of a design already registered in the United Kingdom from 10*s.* to 5*s.*

Non-Resident Businesses.—No. 39 authorizes the Board of Trade to grant licences without which it is unlawful for a non-resident to carry on business, and provides for the registration of non-resident individuals, firms or companies carrying on business in the Islands. Penalties are provided for contravention of the Act.

Customs Tariff.—No. 49 enacts a Customs Tariff for providing a revenue towards the support of the Government of the Islands.

III. COMMONWEALTH OF AUSTRALIA.

[It is hoped to publish this Summary in the next *Review*.]

1. NEW SOUTH WALES.

Acts passed—72.

Treasury Indemnity.—No. 2 indemnifies the Colonial Treasurer, the officers of the Treasury and other persons in respect of certain withdrawals and payments during the year 1930–31 from the Consolidated Revenue Accounts of the Colonial Treasurer in the banks keeping such accounts, in anticipation of Parliamentary appropriation and warrant of the Governor.

Flour Acquisition.—Act No. 10, amended by Acts Nos. 50 and 70, provides for the vesting in His Majesty of certain flour in New South Wales, authorizes its compulsory acquisition and provides for the payment of compensation in respect of such flour and for its sale and disposal. The Act also provides for the varying or cancellation of certain contracts for the sale and delivery of flour, and for the regulation of prices of certain products of wheat sold in New South Wales.

Government Savings Bank.—No. 14 enables the Commissioners of the Government Savings Bank of New South Wales to make arrangement with the Commonwealth Bank of Australia for advances for the purpose of payment to the depositors or customers in any department of the Government Savings Bank and to give security for such advances, and provides that such advances shall be guaranteed by the State of New South Wales. The Act also authorizes the Colonial Treasurer and the said Commissioners to make arrangements with the Commonwealth Bank of Australia and/or the Government Savings Bank of Australia for amalgamation and the transfer of the whole or part of the assets, liabilities and business of the Government Savings Bank of New South Wales.

The Commonwealth and State Banks Agreements Ratification Act, No. 62, ratifies an agreement between the State of New South Wales, the Commissioners of the Government Savings Bank of New South Wales and the Commonwealth Savings Bank of Australia for the purpose of amalgamating the New South Wales Government Savings Bank with the Commonwealth Savings Bank.

Friendly Societies.—No. 19 amends the Act of 1912 to enable friendly societies to borrow upon the security of their assets up to the extent of their funds invested or deposited with the Government Savings Bank of New South Wales.

Unemployment Relief Tax.—No. 25 imposes an unemployment relief tax of 1*s.* in the £ of (*a*) the net assessable income of any person other than a company, (*b*) the net assessable income derived by every company and (*c*) the income from employment derived by every person other than a company.

Debt Conversion.—Nos. 27 and 60 approve agreements between the Commonwealth of Australia and the States relating to the conversion of the internal public debts of the Commonwealth and the States.

Act No. 28 gives protection to trustees and others in connexion with the conversion of securities under the Act No. 27 ; and Act No. 63 provides for the adjustment in certain cases as between capital and income in connexion with the conversion of securities.

Public Service Salaries.—No. 29 makes further provision for the reduction of salaries of officers of the Public Service, of certain other officers and employees of the Crown, and of officers and other employees of public authorities and corporate bodies. A deduction of £8 6*s.* 8*d.* per cent. is to be made in the salaries of officers whose salary does not exceed the amount of the declared living wage in force for the time being. For those officers whose salaries exceed such living wage, the scale of deduction is 15 per cent. on the first £200 and thereafter a further 2½ per cent. for each £200 or part thereof up to 32½ per cent. on that part of the salary which exceeds £1,500, but in no case is such salary to be reduced below £197 or £107 per annum for a male or female respectively. A married male officer, or a widower or widow with dependent children, is entitled to a rebate of £15 from the deduction prescribed where the salary does not exceed £300 per annum, and where the salary exceeds this amount it shall not be reduced to below £268 per annum. The deductions will not affect an officer's grade or seniority, neither will any pension, superannuation, retiring allowance, etc., be lessened or diminished, nor the method of computation altered in consequence of any deduction made under the Act.

Ejectments Postponements. — No. 30 amends the Landlord and Tenant Act of 1899 to make provision for the postponement of the eject-

ment of persons who are in occupation of certain dwelling-houses and who are in impoverished circumstances.

State Transport Co-ordination.—Act No. 32 provides for the improvement and co-ordination of the means of and facilities for locomotion and transport, and for this purpose a Board of four commissioners is appointed subject to the control of the Minister. The Board is given certain wide powers of inquiry, and may advise the Minister of any matters relating to the transport of passengers and goods and to traffic generally. The licensing of vehicles for the transport of passengers or goods is vested in the Board, and no public vehicle may operate unless licensed.

Wild Flowers and Native Plants Protection.—No. 35 enables the Railway Commissioners for New South Wales and any transport trust constituted under the Transport Act, 1930, to take more effective means for the protection of wild flowers and native plants by making it lawful for them to refuse to convey or allow to be conveyed on any railway, tramway or transport vehicle any protected wild flower or native plant.

Agricultural Lessees' Relief.—By Part II of Act No. 42 any lessee may apply in the form prescribed to the local land board for a reduction of the rent payable under the lease. On the hearing of the application the Board may reduce the rent to such an amount as is equitable in the circumstances after taking into consideration (*a*) the interests of all parties concerned ; (*b*) the net profit which the lessee obtains or with prudent and capable management may obtain from his occupation of the agricultural land ; (*c*) the unimproved capital value of the land ; (*d*) the improvements on the land leased and the improvements effected thereon (i) by the lessor, (ii) by the lessee ; (*e*) the period for which the lessee has been in occupation under the lease or any prior lease ; (*f*) the general conduct of the lessee during his tenancy ; (*g*) any bonus paid or to be paid by the lessee to his lessor ; (*h*) the value to the lessor of any covenants or conditions in or relating to the lease to be performed by the lessee other than the usual covenants and conditions ; (*i*) any rates and taxes payable in respect of the land ; (*j*) the rents payable for similar agricultural land in the Board's district.

The period during which the reduced rent is payable is determined by the Board, but the lessee may apply for its continuation. All persons affected are entitled to be parties to the proceedings. The Board may increase the rent for the remainder of the determined period on the application of the lessor and proof that altered circumstances warrant it. The reduced rent is to be as determined by the Board and covenants to pay rent in excess of that determined are to be void.

Under Part III of the Act a lessee who has been in possession of agricultural land for not less than six months under a lease which terminates after the commencement of the Act may apply to the local land board for a renewal of the lease, provided the lessee has, not less than two months before the termination, applied in writing to the lessor for a renewal and the lessor has within fourteen days of the application refused or failed to give such renewal except for a period and/or at a rent unacceptable to the lessee. The Board may order a renewal of the lease for such period, but not more than three years, and for such rent as it considers equitable in all the circumstances. The land board may not refuse an order for renewal unless one of the following causes is first proved : (*a*) non-payment of rent for a period of not less than twelve months ; (*b*) some other obligation of the lease broken or not performed ; (*c*) failure to take proper care of the

land leased, or guilty of conduct detrimental or injurious to the land, etc. ; (*d*) notice in writing by the lessee of his intention to quit and in consequence of which the lessor has contracted to lease or sell the land or taken any other steps as a result of which he would be seriously prejudiced if he could not obtain possession ; (*e*) land required for occupation by the lessor for his own use or for the use of certain members of his family ; (*f*) the lessor has contracted to sell the land to a person who requires it for his own use or use by members of his family ; (*g*) the lessee was in the employment of the lessor, or former lessor, and the land was leased to him in consequence of that employment, and he was no longer so employed.

No order shall take effect until it is registered in the Register of Causes, Writs and Orders affecting land.

Interest Reduction.—Part II of Act No. 44 which applies to all obligations to pay interest created before the commencement of the Act reduces the interest payable by 4*s.* 6*d.* in the £, but not so as to reduce the interest below 5 per cent. per annum unless the court orders otherwise for reasons set out in the Act.

Part III of the Act deals with hire-purchase agreements, and provides that in any proceedings in any court in respect of hire-purchase transactions, where it is shown that (*a*) the interest directly or indirectly charged is excessive, (*b*) the amounts charged for expenses, etc., are excessive, or (*c*) the transaction is harsh and unconscionable, the court may reopen the transaction and any account in connexion therewith ; relieve the lessee from payment of any sum in excess of what the court deems in all circumstances to be fairly payable in respect of purchase money, interest and charges ; order the lessor to repay any such excess if it has been paid or allowed in account, and set aside any agreement made in connexion with the transaction.

Part IV modifies the rights of preference shareholders by substituting for the specified rate of interest a rate less than such specified rate by 22½ per cent. thereof, or of a rate of 5 per cent., whichever is the higher.

Rent Reduction.—Act No. 45 is similar in all respects to Act No. 21 of Western Australia.[1]

Family Endowment Tax.—No. 51 declares that the contributions to the Family Endowment Fund to be made by employers in respect of wages paid after June 30, 1931, is to be 2 per cent., and provides for the payment of certain sums in lieu of contributions by the Crown.

Trade Descriptions.—The Factories and Shops Act, 1912, is amended by No. 55 by the addition of a new part dealing with trade descriptions. It provides that no furniture, bedding, boots and clothing and such other goods as the Governor may specify by proclamation published in the *Gazette*, may be sold unless a trade description in the manner prescribed is appended thereto, and such description must include an indication of the country or place of origin. Provisions are also made for dealing with offences such as altered and false trade descriptions, and as to false representation with respect to Royal Warrants and government departments.

Greyhound Racing.—No. 56 provides for the taxation of racing clubs, the licensing and registration of bookmakers, the levying of a tax on admission to racecourses, the levying, under the Stamp Duties Act, 1920–31, of duties on betting tickets and the taxation at the rate of 1*s.* for each 10*s.* of the amount of each winning bet.

[1] See p. 94.

No. 57 amends the Gaming and Betting Act, 1912, to include greyhound racing, and provides for the licensing of such racecourses and limits the number of days to fifty-two in any one year upon which greyhound race meetings may be held on a racecourse so licensed. The Act also amends the Totalizator Act, 1916, to include greyhound racing, and further provides for the management of taxes imposed by the Act No. 56.

Milk.—Act No. 59 provides for the regulation and control of the supply and distribution of milk for consumption or use in the metropolitan milk distributing district comprising certain areas in and around the City of Sydney, and in other milk distributing districts to be established. The Act constitutes a Milk Board consisting of three members—a chairman, a representative of the dairymen and a representative of the consumers of milk. The Board is charged with the regulation and control of supply and distribution of milk and the fixation of prices. It is also given power to (*a*) issue certificates in the prescribed form to dairymen or milk vendors specifying the grade or grades of milk to be supplied, provided that no certificate shall issue unless the cows producing such milk have been certified as free from tubercle by the Department of Agriculture, the Board or a veterinary surgeon approved by the Board; (*b*) establish and maintain laboratories to carry on research into matters relating to milk and its by-products; (*c*) at any reasonable time by authorized officers, enter, and inspect dairy premises and milk stores, and examine and take notes, etc., of any books, documents, etc., scales, measures, appliances, apparatus, vehicles or utensils connected with the milk supply; (*d*) call for information and returns from dairymen as may be required; (*e*) prohibit the use for human consumption of deleterious or unwholesome milk; (*f*) require dairymen, etc., to keep books and records as may be prescribed; (*g*) require dairymen to keep a register showing the prescribed particulars of their herds; (*h*) take or purchase samples of milk from any dairy premises or milk store, or from any conveyance, utensil or container; (*i*) appoint any authorized agent; and (*j*) regulate and determine the hours or times in which milk may be distributed in retail in any vehicle or receptacle.

By s. 26 all milk supplied for consumption or use in any milk distributing districts is to vest in the Board, who may determine the quantity of milk per week to be supplied, the number of milkings and the places at which, and the times during which such milk may be accepted by the Board.

S. 36 provides for the registration by the Board of dairymen and milk vendors.

Financial provisions dealing with funds, loans, accounts and audit are contained in Part IV of the Act, Part V deals with the acquisition of property and Part VI authorizes the making of certain regulations and by-laws.

2. QUEENSLAND.

[*Contributed by* J. E. Broadbent, Esq., *Parliamentary Draftsman.*]

There were two sessions of Parliament during the year 1931. A special session was held in June to pass legislation pursuant to the plan of the States and the Commonwealth Premiers, for meeting the financial emergency. The ordinary session commenced on July 21 and ended on December 16, 1931.

During the sessions fifty-three measures were placed on the Statute Book. The more important of these are as set forth hereunder.

Financial Emergency.—Act No. 1 continues the operation of the Salaries (Reduction) Act of 1930 and enables a further Order in Council to be issued further reducing certain salaries of officers of the Public Service. Pensions of ex-judges, ex-members of the Land Court and ex-members of the police force were reduced on the same basis.

Trustees are authorized and empowered to convert or to withhold signification of dissent from the conversion of existing securities into the new securities as prescribed by the Commonwealth Debt Conversion Act of 1931. A mortgagor is empowered to apply to the court for a reduction of the rate of interest payable under his mortgage. The court is empowered after hearing mortgagor and mortgagee to reduce the interest at a rate not exceeding 4*s*. 6*d*. in the £, with a minimum of 5 per cent.

Certain statutory governmental endowments are also reduced by 20 per cent.

Debt Conversion Agreement Acts.—Nos. 2 and 3 approve of the agreement between the Commonwealth and the States relating to the conversion of the internal public debts of the Commonwealth States.

Act No. 29 has further relation to the conversion of the internal public debts of the Commonwealth and States, and sets forth that whereas 97 per cent. of existing securities were converted under the Debt Conversion Act of the Commonwealth, it is expedient that the remainder of the existing securities should be converted on the same terms and conditions with certain safeguards.

Mortgagors' Relief.—Act No. 6 confers jurisdiction on the court to postpone the exercise of powers of sale by certain mortgagees and to grant relief to mortgagors on account of the special economic conditions prevailing. A mortgagee before exercising power of sale or issuing process of execution must apply to the court for an order. The court may order that the mortgagee shall not, before a date specified in the order, do any act or exercise any power, as above, save by leave of the court. Moreover, a mortgagor may apply to the court for an extension of the period of repayment of the principal, the making of interest only payable for a period, or relief in respect of painting and other conditions. Where the amount due on the mortgage is under £2,500 a magistrate's court has jurisdiction ; otherwise the Supreme Court has the jurisdiction.

Lessees' Relief.—Act No. 28 enables a lessee to approach the court for relief in respect of his lease. The lease must be in writing and of not less than one year's duration and existing at the passing of the measure (December 16, 1931). The court is required to take into consideration various matters and may grant a reduction of the rental to an amount not exceeding 4*s*. 6*d*. in the £ for a period fixed in the order, but not extending beyond the duration of the Act (*i.e.* December 31, 1932). Relief may also be given in respect of painting repairs and other covenants.

Both these measures were temporary measures.

Apiaries.—This measure (No. 15) regulates and controls the keeping of bees and the restriction of diseases and pests. Beekeepers are required to register their hives. Wide powers of inspection are prescribed. No person shall introduce into the State bees, combs, hives, honey or beekeepers' appliances unless the same are accompanied by a certificate from an approved officer of the Department of Agriculture or similar office in the country of origin certifying that same came from a district

where certain bee diseases do not exist. A state of quarantine in respect of bee diseases may be proclaimed by the Minister.

Public Health.—Act No. 13 widens the powers of the Commissioner for Public Health in the dealing with infectious diseases. Special provisions were prescribed to restrict and control the drug traffic. No person other than a person licensed or otherwise authorized shall have in his possession any dangerous drug, and no person shall supply or procure or offer to supply or procure any dangerous drug unless licensed or authorized by the Act. There are wide powers of arrest and search. A " dangerous drug " is defined as including morphine, cocaine, ecgonine, diamorphine (heroin), opium, opium charcoal; also any salt compound or derivative of any of the above substances; also coca leaves, Indian hemp, and all preparations of which such resins form the base; also any extract or tincture of Indian hemp and such other substances as may be proclaimed dangerous drugs by Order in Council. Similar provisions deal with cyanide of potassium and other poisonous cyanides.

Income (Unemployment Relief) Tax.—Act No. 12 extends the operation of the measure of 1930 for another year, at the same time increasing the rate of contribution from 3*d.* in the £ to 6*d.* in the £. Payments are made into a fund. Grants or loans therefrom may be made to any public authority on prescribed conditions, and loans may be made to any company, firm, partnership or private individual, subject to certain safeguards.

Electoral Districts.—This measure (No. 11) reduces the number of members of the Legislative Assembly from 72 to 62 and provides for a redistribution of the electorates. A commission of three commissioners is appointed. Certain matters are required to be considered by the commission, such as community or diversity of interest, physical features and areas comprised wholly or partly within a city.

A prescribed time is allowed within which objections may be made. After these are considered the commissioners forward their report and distribution to the Attorney-General and the districts are proclaimed accordingly.

Deceased Husband's Brother Marriage.—This measure (No. 7) legalizes the marriage of a woman with the brother of her deceased husband.

Judicial Proceedings (Regulation of Reports).—Act No. 36 regulates the publication and sale of reports of judicial proceedings in such a manner as to prevent injury to public morals. It is based on the Judicial Proceedings (Regulation of Reports) Act of 1926 in England—16 & 17 Geo. V, c. 61.

Criminal Code (Prohibition of Secret Commissions).—Act No. 40 amends the criminal code by making provision for the prohibition of secret commissions and for the prevention of fraud. The Act provides that any agent who corruptly receives or solicits from any person for himself or for any other person any valuable consideration: (*a*) as an inducement or reward for or otherwise on account of doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or (*b*) the receipt or any expectation of which would in any way tend to influence him to show or to forbear to show favour or disfavour to any person in relation to his principal's affairs or business; or any person who corruptly gives or offers to any agent any valuable consideration: (*a*) as an inducement or reward

for or otherwise on account of the agent doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business ; or (*b*) the receipt or any expectation of which would in any way tend to influence the agent to show, or to forbear to show, favour or disfavour to any person in relation to his principal's affairs or business, is guilty of an offence.

Provisions, too, deal with secret gifts received by parent, wife, child, partner, etc., of agent, the matter of false or misleading receipts or accounts, secret commission for advice given, and secret commission to trustee in return for substituted appointment.

Companies.—This Act (No. 53) consolidates and amends the law relating to the incorporation, registration, regulation and winding up of trading companies and other associations, and is for the great part based on the English Companies Act of 1929.

State Transport Co-ordination.—Act No. 48 provides for the improvement and co-ordination of transport. A Department of Transport under the Minister for Transport is constituted, comprised of the Railway Department, the Department of Main Roads with power to add any other Department or sub-department thereto.

Provision is also made for the constitution of the State Transport Board, consisting of, two members representing the commercial, financial and producing interests of the State, the Commissioner for Railways for the time being, the Commissioner of Main Roads for the time being, one member chosen from persons experienced in transport matters.

The Board is given certain wide powers of inquiry and report and the making of recommendations. Advisory committees may also be constituted in prescribed centres which will link up with the Board. Controlled routes may be proclaimed. The Board is entrusted with the licensing of vehicles for the transport of passengers or freight for remuneration or reward or the transport of goods for sale on controlled routes. Public motor vehicles are not to operate unless licensed. Certain exemptions are prescribed.

Tolls on Privately Constructed Road Traffic Facilities.—This Act (No. 14) authorizes the construction and maintenance of certain road traffic facilities by private persons and the levying and collecting thereon of tolls from traffic using such facilities. Proposals must be confirmed by the Governor in Council. Plans and specifications must, after consideration and examination by the Commissioner of Main Roads, be approved by the Governor in Council. There is power given to resume the road traffic facility by the Governor in Council on payment of compensation on a prescribed basis.

Vagrants, Gaming and Other Offences.—Act No. 27 brings up to date the Vagrants Act of 1851 and other measures and re-enacts them with various amendments. As to vagrancy, the " consorting " provisions are an innovation. Any person who habitually consorts with reputed criminals or known prostitutes or persons who have been convicted of having no visible means of support shall be deemed a vagrant and liable to a penalty of £50 or six months' imprisonment. Special provisions deal with the use of electric batteries (or possession thereof) on racecourses, the prohibition of the publication in newspapers of photographs of parties in divorce cases and of female witnesses in sexual or maintenance cases. Bogus advertisements are prohibited. Where a person has been arrested on any charge in respect of which a person may be arrested under this Act,

or is in lawful custody for an offence punishable on indictment pursuant to the Criminal Code, the officer in charge of the police station to which he is taken after arrest or where he is in custody may take or cause to be taken all such particulars as may be deemed necessary for the identification of such person, including his photograph and finger-prints.

Provided that if such person is found not guilty or is not proceeded against, any finger-prints or photographs taken in pursuance of the above section shall be destroyed in the presence of the person concerned.

Any person who being arrested for an offence under this Act or being detained on suspicion of the commission of an offence under this Act may before giving any statement to or answering any questions of a police officer require that a justice of the peace or some officer of the public service or some reputable citizen shall be present while he is making any such statement or answering any such questions. Any police officer who uses or threatens to use force or otherwise intimidates any person in giving any statement or answering any questions contrary to the above provisions shall be liable to a penalty. The selling of tickets in Queensland in a " foreign lottery " without a necessary permit so to do is an offence. A foreign lottery is a lottery conducted outside Queensland.

Land Acts.—Act No. 39 was passed providing a measure of relief to Crown tenants of holdings mainly used for the depasturing of sheep so that the production from the pastoral lands of the State may be maintained ; the measure also provides for the permanent constitution of the Land Administration Board.

3. SOUTH AUSTRALIA.

[*Contributed by* E. L. Bean, Esq., M.A., LL.B., *Parliamentary Draftsman.*

The Parliamentary Session of 1931 was remarkable largely for the efforts of Parliament to deal with the economic crisis by legislation. Laws were passed to protect debtors against legal proceedings by their creditors, to reduce the burden of private indebtedness and to cut down the expenditure and liabilities of the Government. The following are the more important of the Acts passed.

Farmers' Relief.—As South Australia is primarily a wheat-growing state, and the low prices of wheat had caused great distress among farmers, the first matter dealt with by Parliament was that of helping wheat growers. Act No. 1996 embodies provisions intended for this purpose. It provides a method whereby the farmer can obtain both finance for his operations and protection against his creditors. The Act is administered by the State Bank—an institution controlled by the Government. A farmer who desires financial assistance may apply to the bank and at the time of making his application he assigns to the bank all his crops for the then ensuing season, whether sown or not at the time of the application. During the period of twelve months from the date of the application all existing legal proceedings against the farmer are stayed and further proceedings are prohibited except with the consent of the bank. If the application is subsequently declined or withdrawn the assignment of the crops becomes void and the protection ceases.

Upon receipt of the application the bank itself either finances the farmer out of moneys provided by the Government or arranges with other trading banks or merchants to do so.

When the applicant's crop is harvested it is sold in the name of the

bank, and the bank as a trustee for the creditors distributes the proceeds among the creditors in accordance with priorities set out in the Act. The general principle of the distribution is that those creditors who financed the production and harvesting of the crop rank first in priority, then mortgagees of the farmer, machinery merchants, and creditors for rates and taxes rank for the current year's payments, and after them antecedent creditors.

This Act applies in relation to farming operations for the season 1931–2. The Farmers' Relief Extension Act No. 2057 extends the operation of the scheme so as to provide for assisting farmers for the season 1932–3.

Financial Emergency.—This Act (No. 2002), which has its analogue in every State of Australia, carries into effect the well-known Premiers' Plan for the rehabilitation of the public finances of the Commonwealth and the States.

The Act is divided into five parts. Part I of the Act contains formal preliminary matters only.

By Part II the Parliament of South Australia ratifies the agreement made between the Commonwealth and all the States under which the Commonwealth was empowered to convert all securities representing the public debt of the Commonwealth and the States to new securities carrying interest at a rate reduced by approximately 22½ per cent.

Part III of the Act is ancillary to Part II, and empowers trustees to convert voluntarily securities held by them as trust property, without being liable to proceedings for breach of trust.

Part IV contains provisions for reducing salaries of Ministers of the Crown by 20 per cent., salaries of Members of Parliament by 10 per cent., and those of other holders of Parliamentary offices by 15 per cent., and a number of other salaries fixed by statute by varying amounts, averaging about 20 per cent. The government contribution to public service pensions is reduced by 16⅔ per cent. Police pensions are reduced by an average of about 15 per cent.

Part V contains provisions for reducing the rate of interest payable under mortgages, bills of sale and other similar securities given by private persons to secure the repayment of money. The underlying idea is that just as the man who had lent money to the Government had to suffer a reduction of 22½ per cent. in his interest, so also ought the private individual or company to suffer a like reduction. Part V therefore provides that any mortgagor under a mortgage existing at the commencement of the Act may apply to the local court for an order reducing the interest payable under his mortgage by 4*s.* 6*d.* in the £. In the absence of "special circumstances relating to the mortgage" the court is required to make an order for reduction of the interest by 4*s.* 6*d.* in the £. The order remains in force for three years or the term of the mortgage, whichever is less, and applies only to interest accruing due after the commencement of the Act.

Commonwealth Legislative Power.—One of the arrangements included in the Premiers' Plan for the rehabilitation of the finances of the Australian Governments was a scheme under which the Commonwealth Treasury was to undertake, on behalf of the States, the compulsory conversion of the securities issued by the States in respect of their public debts. The Commonwealth Parliament, however, had no power to legislate for the compulsory conversion of State securities, and it was

necessary for the States to confer this power upon it pursuant to s. 51, placitum (xxxvii) of the Constitution of the Commonwealth, which enables the Commonwealth Parliament to legislate on matters referred to it by the Parliament or Parliaments of any State or States. The Parliament of South Australia accordingly, by Act No. 2061, conferred upon the Commonwealth Parliament the necessary power for the compulsory conversion of State securities.

Mortgagors' Relief.—The object of Act No. 2046 is to enable any mortgagor of land who has complied with all conditions of his mortgage, except those as to repayment of principal, to obtain immunity from the obligation to repay the principal moneys thereby secured until September 1, 1933. The Act does not apply to bank overdrafts or trade debts secured by mortgage. The Act does not automatically operate as a moratorium, but a mortgagor desiring to obtain extension of time for payment must apply to the local court for an order. On the application the court may order that the time for repayment be extended until any time not later than September 1, 1933. Where the principal is repayable by instalments the court may order that no instalments need be paid before September 1, 1933, and may make any consequential adjustments of instalments becoming due after that date.

Cornsacks.—The object of Act No. 2015 is to provide a simple method whereby a merchant who supplies cornsacks to a farmer on credit may obtain security for the price over all crops grown on land occupied by the farmer. A merchant who has supplied cornsacks on credit may file in the General Registry Office a memorandum certifying the fact of the supply, the amount due for the price and the date when it is payable. Upon filing such a memorandum the merchant thereby obtains a first preferential lien over all crops on land occupied by the farmer. If at the time of producing the memorandum for filing there is a bill of sale already registered over the crop, the consent of the bill of sale holder must be obtained before the memorandum can be registered. When registered, the memorandum confers on the merchant the powers of a bill of sale holder, and his rights rank in priority to those of any other person.

Hire-purchase Agreements.—The main provision of this Act (No. 2099) is that which defines the powers and liabilities of the owner under a hire-purchase agreement on default made by the hirer. The powers conferred upon him are very similar to those possessed by a bill of sale holder. Among them is the power to enter on any land whatever for the purpose of repossessing the goods.

On repossession of the goods the owner must sell them, and after paying the costs of repossession, reconditioning and sale, and deducting the balance due to himself under the hire-purchase agreement, he must pay the balance to the hirer.

The Act also contains provisions to relieve farmers where agricultural machinery held by them on hire-purchase has been repossessed by reason of default in payment of instalments of hire. In such a case the farmer may apply to the nearest local court for an order that the machine be restored to him, and if the court is satisfied that the farmer will be able to make good the arrears of hire within twelve months from repossession it may order the owner to restore the machine.

The Act also provides that any provision in a hire-purchase agreement for terminating the agreement or the hiring on bankruptcy of the hirer, or if the hirer commits an act of bankruptcy, shall be void. The effect

of this, of course, will be that on the hirer's bankruptcy his interest in the agreement will pass to the trustee in bankruptcy in all cases.

A further section in the Act imposes a penalty of imprisonment for any term not exceeding twelve months on any person who fraudulently disposes of goods held under a hire-purchase agreement with the object of depriving the owner of his possession or right to possession.

Justices.—Act No. 2051 makes a number of alterations of the law governing the jurisdiction and procedure of courts of summary jurisdiction, and of magistrates sitting for the preliminary hearing of charges for indictable offences. The more noteworthy alterations of the law are the following: (*a*) The substance of the provisions of the Indictments Act, 1915 (U.K. 5 & 6 Geo. V, c. 90), is applied to informations and complaints in courts of summary jurisdiction and informations laid before magistrates for indictable offences. (*b*) Persons offering themselves as bondsmen for the appearance of an accused person seeking release on bail are required in all cases to declare on oath the value of their assets. (*c*) Magistrates are given extended jurisdiction to hear and determine in a summary way, and irrespective of the consent of the accused, offences formerly triable only before a judge of the Supreme Court and a jury. Under the pre-existing law a magistrate could, with the consent of the accused, hear and determine charges of larceny, embezzlement and obtaining goods or money by false pretences where the value of the property involved did not exceed £50. The Act extends this jurisdiction to cases of fraudulent conversion and receiving stolen goods, and to cases where the value of the property involved does not exceed £100. The new jurisdiction may be exercised without the consent of the accused, but the magistrate must send the case on for trial by the Supreme Court if owing to its seriousness or difficulty or any other relevant circumstances he thinks the trial ought to take place in that court.

Mining.—Act No. 2004 confers on the public, subject to conditions, rights to search for minerals and to mine on private land. A great part of the metalliferous land in South Australia has been alienated by the Crown with full mineral rights and, apart from this Act, is closed to prospectors. The Act enables a person who cannot obtain the consent of the landowner to enter on his land to search for minerals, to apply to a mining warden for such consent, and if consent is granted he may prospect and mine on the land in accordance with the Act. The owner is entitled to a royalty of 1 per cent. on the gross value of the minerals obtained, and to compensation for all damage done.

Apiaries.—Act No. 2021 provides means whereby the Government may, at the expense of beekeepers, carry out measures for the eradication of disease among bees. All hives must be registered with the Government and the occurrence of foul-brood and certain other diseases must be notified to a government inspector. Government certificates that honey comes from a disease-free district will be given to exporters of honey where the facts so warrant, and this certificate will, it is anticipated, facilitate the export trade in honey.

Taxation.—Act No. 2007 is noteworthy in that it introduces a system of collecting income-tax on wages and salaries by small instalments deductible by the employer on each occasion of payment of wages or salary. It does not affect the basis of assessment or of computing the rate of tax. Put shortly, the scheme is that every employer at the time of paying wages or salary to those employed by him deducts a sum of 1*s.*

in the £ and delivers to the employee adhesive tax stamps, purchased from the Commissioner of Taxes or his agents and representing the amount deducted. These stamps are retained in a book by the employee. In the ordinary course the employee receives his assessment notice specifying the amount of income-tax payable by him, and when the tax becomes payable he produces his book of stamps to the Commissioner of Taxes. If the value of the stamps is less than the tax, he must pay the balance forthwith; if the value of the stamps is greater than the tax the employee receives a refund. The Act contains provisions for exempting from the provisions as to deductions those employees who are not in the taxable field, or who have acquired sufficient stamps to cover any tax likely to become due by them.

Citrus Marketing.—Act No. 2037 provides for the establishment of a Board, elected by the growers of oranges and other citrus fruits, to control the marketing of oranges. The Act is aimed at preventing a glut in the local market, by compelling growers to export a certain proportion of each year's crop.

Dentists.—No. 2036 is a consolidating and amending Act laying down the qualifications required to be possessed by dentists and their assistants, providing for the establishment of a Dental Board to control admission to the profession and prescribing rules to secure proper conduct on the part of dentists.

Adoption of Children.—Act No. 2011 amends the Adoption of Children Act, 1925. The latter Act provided that an adopting parent if of the opposite sex to the adopted child had to be at least forty years older than the child, and if of the same sex eighteen years older. The amending Act removes these restrictions.

Public Hospitals (Charges).—The object of Act No. 2035 is to assist hospitals owned or subsidized by the State to recover the cost of medical and surgical treatment afforded to patients suffering from injuries received in motor accidents. To this end every insurance company which receives notice of a motor accident is required to notify the Inspector-General of Hospitals of that fact. The Inspector-General may then require the insurance company to pay to him out of any moneys payable by the company to any patient, any amount not exceeding 25 guineas, due to the hospital for treatment afforded the patient for injuries received in the accident. The Inspector-General is given similar powers of recovering hospital fees for treatment of the victim of a motor accident from any person liable to pay compensation or damages to the victim.

4. TASMANIA.

[*Contributed by* H. J. Solomon, Esq., B.A., LL.B.]

Acts passed—60.

A perusal of the Tasmanian statutes of 1931 shows clearly the efforts which are being made by the Government to deal with the financial problems of the State. In conjunction with the other States of the Commonwealth, powers have been granted to the Commonwealth with regard to debt conversion, etc., as noted below. Although the Government has been unable entirely to avoid the "dole" system, strong efforts have been made to assist in the provision of work (see Acts 21 and 46) while government expenditure has been materially lessened by a con-

siderable reduction of official salaries (No. 2). An attempt has been made to spread the burden by means of reduction in mortgage interest (No. 8).

Another noticeable feature of the session is the work which is being done towards the consolidation of the Tasmanian statutes—a work which is long overdue, but which financial stringency still delays. The Parliamentary Draftsman's Department has been working on this matter, and several consolidating Acts are noted below, while the session of 1932 promised further steps in this direction.

Some of the more important Acts are as follows :

Acts Interpretation.—Act No. 59 is one of the consolidating Acts referred to above, and after repealing the previous Acts of 1906 and 1916, provides a set of rules for the interpretation of Acts of Parliament, etc., which are in most cases in accordance with the Imperial and Commonwealth Acts on this subject.

Debt Conversion.—Act No. 1 approves of the Debt Conversion Agreement dated July 21, 1931, between the Commonwealth and the States whereby the Commonwealth is authorized to effect a conversion of the public debts of the States for which liability was assumed by the Commonwealth under the Financial Agreement of December 12, 1927. The Debt Conversion Act No. 2 (No. 54) approves an amending agreement (dated October 22, 1931) by which holders of existing securities who have not converted or have dissented from converting are deemed to have applied to convert their securities. As regards the position of trustees, see Trustees Protection Act.[1]

Mining.—In order to encourage mining Act No. 31 provides that where a lessee would be embarrassed by having to pay his year's rent in advance as is normally the case, he may be allowed to pay by instalments.

Mortgage Interest Reduction.—Act No. 8, which applies to all securities for payment of money existing at the commencement of the Act, reduces the interest payable under the terms of such security by 4*s.* 6*d.* in the £, but not so as to reduce the interest below £5 per cent. per annum, unless the court orders otherwise for certain reasons set out in the Act. It also restricts a mortgagee for the period of twelve months from enforcing by sale or foreclosure, etc., the payment of principal moneys if all other covenants have been observed—again subject to the power of the court to authorize him so to do.

Official Salaries Reduction.—Act No. 2 amended by Act No. 45 repeals the two Acts of similar title in 1930 and provides for reductions of salary ranging from 20 per cent. on salaries above £60 to 25 per cent. on salaries above £1,200.

Reciprocal Enforcement of Judgments.—This Act (No. 25) provides for the registration of judgments obtained in the superior courts of British Dominions outside the Commonwealth to which the Act extends and their enforcement in Tasmania. The Act extends to Great Britain and Northern Ireland and by proclamation may be extended to such other British Dominions (including territories and mandates) as have made reciprocal provisions.

Stamp Duties.—Act No. 19 (which consolidates and amends the law relating to stamp duties) provides (*inter alia*) that employers must obtain receipts for all wages paid, which receipts must be stamped at the rate of one penny for each complete amount of 5*s.* paid. A new schedule of general stamp duties is also provided.

[1] Noted *infra*.

Trustees' Protection.—Act No. 7 authorizes trustees to convert trust securities under the Commonwealth Debt Conversion scheme and prevents any action being taken against trustees either for converting or dissenting against conversion.

Unemployment.—This subject is dealt with in three Acts. Act No. 5 makes an appropriation of £20,000 for the relief of unemployment; Act No. 46—Unemployment (Assistance to Municipalities) Act—provides for the expenditure of money on relief works by municipal authorities; while Act No. 21—Unemployment (Assistance to Primary Producers) Act—enables primary producers to obtain loans for use in employing workmen, etc.

5. VICTORIA.

[*Contributed by* His Honour Judge Zichy-Woinarski, K.C., *and* S. H. Zichy-Woinarski, Esq., M.A., LL.B.]

In the Third Session of the Thirtieth Parliament sixty-nine Acts were passed. Of these most are of purely local interest. Some Acts, the outcome of financial stringency, show a cynical disregard of contractual obligations.

Workers' Compensation (Transfer of Funds).—Act 3952 gives effect in Victoria to the resolution adopted at the Imperial Conference in London in 1926 recommending that arrangements should be made between different parts of the Empire whereby sums awarded under the law relating to workers' compensation in one part of the Empire to beneficiaries resident in another part of the Empire may be transferred to and administered by a competent court in such latter part.

S. 3 empowers the Premier to enter into such arrangements and authorizes the making of rules of court for such transfer and for the receipt and administration by the county court of moneys so transferred.

Debt Conversion Agreement.—No. 3953, an important financial measure gives approval to an agreement made on July 21, 1931, between the Commonwealth of Australia and the six States of the Commonwealth relating to the conversion of the internal public debts of the Commonwealth and the States. The agreement is set forth in the schedule and provides for the holders of all existing securities being invited to convert their holdings into new Commonwealth securities on a basis of a reduction of 22½ per cent. in the interest yield. The new securities are restricted to three flat rates of interest, viz.: 4, 3⅞ and 3 per cent., and are spread over ten fixed maturity dates, subject to the Government having the right to redeem in whole or part at any time after December 31, 1950.

The equivalent amount of new stock (to be in the form of bearer bonds, debentures or inscribed stock, etc., as at present) to be determined by actuarial valuation after taking into account the interest rates and dates of maturity of each existing security and after allowing for the general reduction of 22½ per cent. in the interest yield.

£450,000,000 existing securities now bearing interest at 5¼ per cent. and over to be converted into 4 per cent. at a premium.

£45,000,000 existing securities now bearing interest at 5 per cent. to be converted, at option of holder, into 3⅞ per cent. stock at par, maturing in 16 years, or 4 per cent. stock at a discount.

£61,000,000 existing securities now bearing interest at less than 5 per cent. to be converted, at option of holder, into 3 per cent. stock,

maturing in 7 years and 13 years at a premium, or into 4 per cent. stock at a discount.

Act No. 4009 approves a second agreement made in August and September 1931, between the Commonwealth of Australia and the six States. The agreement (No. 2) is set forth in the schedule, and it recites (*inter alia*) that 97 per cent. of existing securities have been converted under the Commonwealth Debt Conversion Act and the expediency of the remainder, some £16,000,000 or £17,000,000, being converted on the same terms and conditions and directs such conversion into new securities, the Commonwealth Government to take the necessary steps to submit to the Federal Parliament the legislation necessary to give effect to the agreement.

Trustees.—No. 3956 expressly authorizes and empowers trustees to convert or to withhold signification of dissent from the conversion of securities held by them into securities issued pursuant to the Commonwealth Act, known as the Commonwealth Debt Conversion Act, 1931 (No. 18 of 1931), and affords protection to trustees who so convert or withhold signification of dissent. It contains a number of ancillary and consequential provisions, some of which are adopted from the Imperial Act 51 Vict., c. 2, the National Debt (Conversion) Act of 1888.

Police Offences (Trotting Races).—Act No. 3960 permits the holding of not more than two trotting races on any one day at the annual show of any agricultural society approved for the purpose by the Chief Secretary, where the total prize money (if any) given in respect of such races does not exceed £100 in the case of the Royal Agricultural Society of Victoria, and the sum of £50 in the case of any other society. Such races are to be registered by and under the rules of the Victorian Trotting and Racing Association, and there shall be no betting or wagering in respect of them on the land on which the show is held or on any place adjacent thereto.

Financial Emergency.—Act No. 3961 provides for carrying out a plan agreed on by the Commonwealth and the States in May 1931 for meeting the grave financial emergency existing in Australia, re-establishing financial stability and restoring industrial and general prosperity by means involving a common sacrifice and including, *inter alia*, certain reductions in the expenditure of the Commonwealth and States Governments.

Part I makes provision for the reduction of the remuneration of all public servants, including the judges of the Supreme Court and of county courts and members of Parliament, but excluding the Governor, and the scale of reductions (sch. 1) ranges from 6 per cent. to 27 per cent.

Part II makes provision for the reduction of non-contributory pensions payable to certain retired public servants, and the scale of reduction (sch. 2) ranges from ·95 per cent. to 25 per cent.

Part III makes an automatic reduction for a period of 3 years of 22½ per cent. in the rate of interest payable under existing mortgages of real and personal property (*i.e.* in Victoria), including debentures and inscribed stock issued or created by various public and local authorities, contracts of sale and lien purchase agreements, but it suspends the operation of these provisions as regards mortgages given to banks and pastoral companies to secure overdrafts and to building societies.

By s. 28 a mortgagor may in certain cases apply to the court for an order temporarily restricting the mortgagee from the exercise of his rights under the mortgage, *i.e.* when accrued interest due and payable

is not in arrear or not more than six months' interest accrued due and payable is in arrear, and the mortgagor's covenants in other respects have been performed, and the mortgagor shows that he cannot redeem the property either from his own moneys or by borrowing at a rate not exceeding £6 per cent., and that the value of the property is not seriously diminishing and the mortgagee's security is not otherwise in jeopardy—the court may order that the mortgagee shall not within a period of twelve months exercise any power of sale or foreclosure.

S. 29 provides that the payment of interest at the following rates in respect of money deposited on fixed deposit in any bank shall be a full discharge to the extent of such payment of the liability of the bank for such interest in respect of so much of the period for which the money was deposited as falls within the period of two years immediately following the coming into operation of this provision :

(*a*)	For not less than 3 months but less than 6 months,	3 per cent.
(*b*)	„ „ „ „ 6 „ „ „ „ 12 „	3¼ „ „
(*c*)	„ „ „ „ 12 „ „ „ „ 2 years	3½ „ „
(*d*)	For 2 years or over	4 „ „

S. 30 reduces the payment of interest on moneys lodged on fixed deposit with building societies to a rate equivalent to 15*s.* 6*d.* for every £1 of interest due.

S. 31 specially provides for the rates of reduction of interest upon mortgages given to the Commissioners of the States Savings Bank of Victoria, excluding mortgages given by any public or local authority to the Commissioners.

Part IV contains provisions as to reduction of special grants and appropriations out of the consolidated revenue.

Unemployed Occupiers and Farmers' Relief.—Act No. 3962 applies temporary relief to unemployed tenants of houses, mortgagors in occupation and to purchasers in occupation under contracts of sale and to farmers in respect of debts.

Part I enables such tenants, mortgagors and purchasers, being unemployed, to apply to the court of petty sessions held nearest to the dwelling concerned for a protection order. The application is to be served upon the landlord, mortgagee or vendor, as the case may be, and the court may thereafter grant such orders whereby for a period of three months the landlord is prohibited from distraining for rent or the mortgagee or vendor from entering proceedings to enforce payment of the principal moneys or interest, and the court may from time to time and at any time extend the operation of the order for any period not exceeding three months—subject to this, that no protection order is to have effect after May 1, 1932.

The court is not to make the order unless satisfied that the applicant has made genuine efforts to obtain employment, and that in the circumstances of the particular case the landlord, mortgagee or vendor will not suffer any undue hardship by the order, and that the applicant is not already twelve months in arrear in respect of rent or interest.

Part II provides for relief to farmers in respect of debts, and every kind of farmer is brought within the Act, whether engaged in agricultural, horticultural, viticultural, dairying or pastoral operations. He may (under s. 21) apply to the court of petty sessions held nearest to his

farm for a protection order. The application is to be in a prescribed form and to contain the names and addresses of his creditors and the amount he owes to each ; it must set out all rents, instalments of purchase money and interest thereon, and all rates, taxes, charges and moneys due to the Crown or to any municipality ; and set forth his assets and a description of his land. It is made the duty of the clerk of the court to notify each creditor of the application, and require an account for the court of the goods supplied, the moneys lent and the services rendered by the creditor to the farmer. Thereupon the court has power to issue a protection certificate if satisfied that proceedings in respect of the debts are threatened or impending, and that it is in the interests of the farmer and his creditors to issue it. Its operation is not in the first instance to exceed a period of twelve months, but the court may extend it from time to time for a further twelve months, but not beyond May 1, 1933.

While such protection certificate is in force no action or proceedings for the recovery of the debt or for the enforcement of any security shall be taken against the farmer or any guarantor of the farmer, and all pending proceedings are stayed.

S. 23 creates, for the purposes of Part II, a Farmers' Relief Board, the members of which are entitled to travelling expenses and attendance fees, and this Board (by s. 32) receives, controls and apportions the income of farmers, to whom protection certificates are issued in accordance with an order of priority as set forth in the Act.

S. 37 makes void agreements negativing the Act. An amending Act passed in the same session (No. 3971) provides that the publication in certain newspapers of a notice that application has been made by a farmer for a protection certificate shall cause a stay of action and proceedings against the farmer pending the hearing of the application.

Dairy Produce.—Act No. 3969 makes a number of small amendments to the Milk and Dairy Supervision Act, 1928 (the principal Act.)

The Governor in Council, after report from the Dairy Produce Board, is to prescribe the maximum "overrun" to be allowed in the manufacture of butter. "Overrun" is defined to mean the difference in weight between one hundred pounds of butter fat and the weight of the commercial butter manufactured therefrom. To ensure that supplies of cream to butter factories are credited with the full amount of butter fat contained therein, the owner of any factory is rendered liable to a penalty if the maximum "overrun" that is prescribed is exceeded in the manufacture of butter. The owner of any factory must, on or before the fifteenth day of each month, display and keep displayed conspicuously in the factory for fourteen days a statement showing : (i) the total number of pounds of butter fat received ; (ii) the number of pounds of commercial butter manufactured from such butter fat, and (iii) the percentage of "overrun" in respect of such manufacture during the preceding month ; and shall cause the percentage of overrun in respect of such manufacture during such month to be shown on the first account sales, which are, after the display and the statement, rendered to every supplier of cream to the factory (s. 14).

S. 15 requires owners of dairy farms at which milk is produced for delivery to a factory to cause the milk to be removed immediately after milking and at once subjected to the prescribed process of straining, cooling and storing.

S. 16 requires persons who separate cream for delivery to a factory to cause it to be cooled and stored immediately after separation.

S. 17 requires dairy farmers supplying milk or cream to a factory to install such milking machines as may be prescribed, and to keep them and every separator, cooler or other utensil used on such farm in connexion with the handling or treatment of milk and cream, clean.

S. 19 requires the owner of every factory in which cheese is manufactured to keep and treat cheese in such manner as is prescribed.

S. 21 requires the owner of every butter or cheese factory, or the manager or person in charge of it, to hold a certificate as a butter maker or as a cheese maker.

S. 23 prohibits the use of butter in the manufacture of margarine or of any product resembling butter, and also the sale or preparation for sale of margarine which contains butter fat.

S. 24 prohibits the use of the word "butter" (either alone or in conjunction with any other word) in connexion with any preparation for human consumption; or the use of any device or means calculated to induce any person purchasing such preparation to believe the same is butter, unless such preparation contains at least 80 per cent. by weight of butter fat; or unless the approval of the Minister on the recommendation of the Dairy Produce Board has been obtained for the use of the word "butter" in connexion with such preparation.

S. 26 provides for the Regulations that may be made.

Police Offences (Consorting).—Act No. 3974 adds to those who may be deemed an idle and disorderly person within the law of vagrancy, anyone who habitually consorts with reputed thieves or known prostitutes, or with persons convicted of having no visible lawful means of support. It is a defence to the charge if such person gives to the satisfaction of the court a good account of his lawful means of support and also of his so consorting.

Police Offences (Sports Grounds).—Act No. 4007 prohibits betting by way of wagering on sports grounds, except (*a*) in or on a place set apart for the purpose; and (*b*) on a sporting contingency relating solely to any sports held on such ground, and so betting during the holding of such sports therein.

Nurses.—No. 3979 amends the Nurses Act, 1928 (No. 3744), with respect to the period of training required of certain mental nurses by adding a provision whereby various trainers experienced in mental nursing are in certain circumstances exempted from the full three years of training prescribed by the principal Act. Further, by substituting a new section for the old section which provided for the registration in Victoria of nurses qualified in any other part of His Majesty's dominions which admitted reciprocity, it allows registration where reciprocity does not exist and where the standard of training is considered by the Board to be adequate, and provides for such applicants to pass examination or undergo supplementary training if required.

Hawkers and Pedlars.—No. 3984 provides for the renewal of hawkers' licences as of course in certain cases, where the required forms of application have been followed and no objection has been lodged. It also amends in minor particulars the existing Acts.

Landlord and Tenant (Rent Reduction).—Act No. 3990 is divided into two parts, Part I dealing with leases other than leases of licensed premises under the Licensing Acts, and Part II with leases of licensed premises

under the Licensing Acts. Lease is defined to mean lease (and includes a sub-lease and an agreement for a lease or sub-lease) for any term of not less than one year or for a life or lives.

Part I applies to leases entered into on or before January 1, 1932, and existing at the coming into operation of the Act, and provides for a reduction for a term of three years of the rent payable under such leases to an amount equivalent to 15*s.* 6*d.* for every £1 payable under the lease. It empowers the appropriate court upon application by the lessor or mortgagee in possession to modify or exclude the provisions or to extend the lease, and declares that the provisions are not to operate so as to reduce the rent below 5 per cent. per annum of the value of the leased property as ascertained, in default of agreement, by a valuer appointed by the court. Trustees are protected, except in case of bad faith, from failure to make application to the court or for making any agreement with the lessor as provided by the Act ; and a similar protection is given to the directors and members of governing bodies of corporations. Certain machinery sections complete this part.

Part II enables the Licences Reduction Board, on the application of the lessee, to make such adjustment of the rent, bonus or other consideration in the nature of rent or bonus payable under a lease entered into before the coming into operation of the Act as the Board thinks equitable, or to extend the term of the lease or to do both. Such adjustment or extension is limited to a term of three years. Any provisions in leases, whether under seal or not, by which the operation of this part is excluded or negatived are declared void. Finally, trustees and directors of corporations are given a protection similarly as in Part I. The necessary machinery sections are inserted.

Fisheries.—Act No. 3997 extends the provisions of the principal Act relating to the granting of permission to form and plant artificial oyster beds, or to work and improve natural oyster beds, to other species of marine mollusca or to any species of fresh-water mollusca which the Governor in Council may specify.

Federal Aid Roads.—Act No. 3999 adopts and ratifies, so far as the State of Victoria is concerned, an agreement between the Commonwealth and the six States made in August 1931, and amending an earlier agreement between the same parties made in the year 1926. By the earlier agreement the Commonwealth had agreed for a period of ten years to pay to the States £2,000,000 per annum, divided up on a basis of three-fifths population and two-fifths area, making the share of Victoria £360,000 per annum, and each State undertook a liability to provide 15*s.* for every £1 that the Commonwealth contributed. The new agreement eliminates the condition of the States providing 15*s.* for every £1, and it permits the money to be used on maintenance as well as on construction and reconstruction of roads—an important feature to this State where there has been so great an advance in road construction.

The money contributed by the Commonwealth is raised by means of a duty on petrol.

Unemployment Relief.—Act No. 4000 imposes in Part I the rates of the unemployment relief tax for the year ending June 30, 1932, on the taxable income of tax-payers—an additional tax to that of income-tax (s. 3). It exempts from such tax persons ordinarily resident in New Zealand who are employed on ships trading between New Zealand and Victoria (s. 4). It makes provision in s. 5 for advances free of interest to

municipalities out of the Unemployment Relief Fund, to be expended on unemployment relief works; requires sustenance for unemployed persons to be paid at the same rate throughout Victoria (s. 8) and requires in s. 9 that male persons who receive sustenance shall perform work in return therefor if such work is demanded to be performed by the clerk of the municipality in whose boundaries the sustenance is received.

The Closer Settlement Board is authorized by it to acquire land the purchase money for which is to be provided out of the Unemployment Relief Fund for the settlement of unemployed persons thereon, and such land so acquired is to become Crown land (s. 12).

No sum greater than one-sixth of the total revenue of such fund is to be expended in any one month (s. 14).

It prescribes the rates of pay to be paid to persons employed on unemployment relief works (s. 16), and it enables unemployed persons to be engaged, subject to certain conditions, upon specified work (*e.g.* clearing, draining, fencing, etc.) for farmers at a rate of remuneration (and with board and residence) not exceeding £1 per week (s. 18).

Part II contains the Stamps Acts in operation for unemployment relief until July 9, 1932. Such Acts had imposed stamp duties on receipts for salary and wages of not less than £1 and not more than £6 earned in any week, and whether paid daily, weekly, monthly or otherwise, and the amount thereof was credited to the Unemployment Relief Fund.

Part III makes an amendment relating to Commonwealth officers, and Part IV places restrictions on collections and entertainments made for unemployment and the disbursement of the moneys collected, and race meetings and sports gatherings held wholly or partly for the relief of unemployed persons are to be controlled by some person approved by the Charities Board of Victoria.

Cultivation Advances.—Act No. 4004 follows mainly on the lines of previous similar Acts.[1] It enables the Minister during the period ending on December 31, 1932, to make advances of seed, fodder, manure, building or fencing materials or money for effecting improvements or for sustenance or for any other purpose which is necessary to enable farmers to continue working or residing on their farms during the period before the completion of the harvesting of the next crop. In lieu of or in addition to such advances the Minister may give guarantees in respect of the like matters, and he may require as security therefor the giving by the farmer of liens on the crop. It also provides penalties against those who may use or permit the use of the seed, fodder, etc., for any purpose other than the cultivation of his farm, etc., etc.

Companies.—No. 4005, an amending Act to be read and construed as one with the principal Act of 1928 (No. 3659), prohibits temporarily (for twenty-one days) the use by any other company, industrial and provident society, or friendly society, or as a business name, of the proposed name of a company in course of formation, and for three months of a company where the prospectus has been filed. It requires a company which has been converted from a proprietary into a public company to comply with the requirements of the principal Act in respect of particulars in prospectuses. Following the lines of §§ 310–311 of the Imperial Act, 19 & 20 Geo. V, c. 23, it provides that receivers and managers of the property of companies appointed by mortgages or debentures are to furnish certain statements of their receipts and payments; it imposes

[1] See, for example, *Journ. Comp. Leg.*, Third Series, vol. xiii, pt. ii, p. 88.

restrictions on the appointment of interested persons as such receivers or managers, and enforces the duty of such receivers or managers to make returns and render accounts. The principal Act is further amended so as to make the limitation of time for the restoration of the name of a company which has ceased to carry on business the same (viz. two years) as that relating to companies dissolved by completion of liquidation.

The Act re-enacts, with important alterations, the existing provisions relating to foreign companies, *i.e.* companies formed or incorporated outside Victoria carrying on business within Victoria. It enables an agent of such company to file a notice with the Registrar-General of his resignation of his office, and so put an end to his liability to be answerable for the doing of all acts required by the law. Every such company is required to file certain documents, and the issue of prospectuses by such companies is brought into line with the requirements relating to Victorian companies, and provision is made for the filing of balance sheets of foreign companies and for translations thereof, if not in English, being annexed thereto. Further, foreign companies, with the exception of certain banking companies, are required to state their names, places of incorporation and limitation of liability on their prospectuses, their place of business, their official publications, etc.

A foreign company going into liquidation in the country of incorporation is required to give notice thereof to the Registrar-General, and any creditor or contributory of such a company may apply to the court for an order that its affairs, so far as Victorian assets are concerned, be wound up in Victoria, and on such an order being made the provisions relating to the winding up of Victorian companies are declared to apply thereto, subject to the necessary adaptations.

A foreign company ceasing to carry on business in Victoria, or which is dissolved in the country in which it is incorporated, is required to file notice thereof with the Registrar-General, who is empowered thereupon to remove the name of the company from the register. A foreign company is excluded from being registered under a name already in use by a Victorian company, industrial and provident society, or friendly society, or a name registered under the Business Names Act, 1928 (No. 3648), and vice versa ; but by a proviso a law officer of the Crown is given a discretionary power to waive such exclusion in cases where he is satisfied that it would be inequitable or unreasonable to insist on it. Similar provisions to those relating to the removal from the register of Victorian companies that have ceased to carry on business are applied to foreign companies.

The provision of the principal Act which requires in the case of mining companies a half-yearly statement of accounts to be furnished to the Registrar-General is amended so as to provide for a yearly statement, at the discretion of a law officer, on the case of mining companies carrying on operations outside the Commonwealth of Australia. Finally, the Act extends to mining companies the provisions applicable to the removal of trading companies from the register and the vesting and disposal of assets, and also the penalties already applicable to trading companies.

Many of the provisions of this Act have been based on various sections of the Imperial Act, 19 & 20 Geo. V, c. 23.

Health.—Act No. 4010 amends the principal Act. It empowers the Minister to make available to a municipal council (*e.g.* in sparsely populated districts) an officer of the Department as an inspector and to

furnish reports to the municipality as to public health and sanitary circumstances of the municipal district (s. 3).

It abolishes compulsory vaccination, retaining provisions for voluntary vaccination (s. 7). Where any premises are used for the sale, or certain vehicles are used for the delivery or sale, of any food, drug, article or substance, it enacts that the name of any person appearing on the premises or vehicle shall be *prima facie* evidence of ownership thereof, and of any food, drug, article or substance therein (s. 9). S. 10 defines " fortified wine " as that to which pure wine spirit has been added, and the section requires that port, madeira or muscat, or any other fortified wine, must contain at least 34 per cent. of proof spirit.

S. 11 amends the law respecting the maximum amount of soluble chlorides and sulphur dioxide which wine may contain.

S. 12 contains provisions to assist prosecutions for offences in the case of food or drugs sold in unopened packages to officers, *e.g.* as to the persons deemed to have sold the same it provides that where the package is labelled, the manufacturers or the importers into Victoria or the packers may be so regarded—and where the package is not labelled any person who sold or supplied the same to the person on whose premises it was when being sold to the officer, or where such first-mentioned person purchased it already enclosed in such package from such other person prior to selling the same to the said last vendor—then such other person may be so regarded.

S. 14 empowers the making of regulations with respect to the training and examination of sanitary plumbers carrying on work under the supervision of the Melbourne and Metropolitan Board of Works, the Geelong Waterworks and Sewerage Trust or any sewerage authority.

Income-tax Acts Amendment.—Act No. 4015 allows in s. 3 a rebate to tax-payers, ordinarily resident in Victoria but temporarily employed elsewhere by a Victorian employer, who have paid double income-tax (apart from Commonwealth income-tax) in respect of incomes assessed under the Income-tax Acts ; the rebates to be of an amount equal to the tax repaid or equal to the proportion of tax attributable to the salary, wages or other remuneration paid to the taxpayer in respect of the period while he is so engaged outside Victoria.

S. 4 enables, on the surrender for value of a lease in respect of which any fine, premium or foregift has been paid by the lessee, a deduction to be made from the assessable income of the proportion of the consideration properly attributable to the period of the lease unexpired at the date of the surrender.

S. 5 makes amended provision with respect to the assessment of persons, partnerships and companies outside Victoria carrying on business therein by agents and branches.

S. 6 exempts from income-tax the income of gold mining companies in respect of their operations in Victoria.

S. 7 provides that where the head or principal office of a manufacturer or merchant is in Victoria and his trade extends beyond Victoria, the whole of the profits arising from such trade shall be deemed income derived from Victoria, certain allowances being made with respect to profits derived from trade outside Victoria.

By s. 8 the Commissioner is empowered to require security by way of bond or deposit or otherwise for the due return of income and payment of tax to be given by a tax-payer whom the Commissioners believe may

leave Victoria; and by s. 10 he is authorized to amend, subject to objection by the taxpayer, an assessment so as to ensure its completeness and accuracy, although income-tax may have been paid in respect of income included in it.

6. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq.]

The fourteenth Parliament of Western Australia sat for two periods during the year 1931—from May 12 to August 13, and from September 22 to December 4, on which last date the session was finally concluded.

During the year fifty-five Acts were passed, the most important of which are reviewed below.

Farmers' Debts Adjustment.—Act No. 4 not only amends the principal Act [1] in a number of details, but supplies for the first time an express definition of the effect of a resolution passed at a meeting of a farmer's creditors. Such a resolution is declared to be binding on the farmer and his creditors, and is directed to be given effect to, provided that its provisions are such as the farmer and his creditors might lawfully have embodied in an agreement made between themselves, but power is given to the Supreme Court or a judge to rescind any resolution on the ground that it is manifestly unjust to the farmer or any creditor, and to order another meeting of the creditors to be convened.

Bills of sale are made liable to be avoided as against the farmer and his creditors to the same extent as they would be void as against his trustee in bankruptcy, and no orders or assignments purporting to affect crop proceeds are to be allowed to have effect in the case of a farmer who becomes subject to the principal Act; but these invalidating provisions are not to prejudice the claims of the suppliers or providers of prime necessaries such as fertilizers, bags, insurance of crops, etc.

State Manufactures Description.—The Minister charged with the administration of Act No. 5 is empowered to prescribe: (*a*) forms of stamps or marks (called "State marks") indicating that goods were produced or manufactured in this State; (*b*) further signs or marks which may be used in conjunction with State marks so as to indicate that such goods conform to a prescribed standard or grade of quality. These latter marks are to be known as "grade marks."

Any person selling, offering or exposing for sale goods produced or manufactured in Western Australia is to have the right to obtain from the Chief Inspector of Factories and affix to the goods or the container thereof a State mark with or without a grade mark, in such form as may be prescribed for the particular class of goods.

The sale of goods with a State mark or grade mark attached is to imply a warranty that the goods are such as to which the mark may properly be attached.

Any person making an improper use of any mark will be liable to a penalty, and extensive powers are given to inspectors to be appointed under the Act, so that they may be enabled to prevent and detect breaches of the Act.

Debt Conversion Agreement.—Act No. 6 empowers the Premier, on behalf of the State, to enter into an agreement with the Commonwealth and the other States for the conversion of the internal public debts of the

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt, ii, p. 106.

Commonwealth and States. This conversion has been carried out under the Commonwealth Act known as the Debt Conversion Act, 1931.

By Act No. 46 an agreement between the Commonwealth and the States relating to the conversion of the internal debt of Australia is ratified on the part of Western Australia. The agreement ratified is scheduled. It recites that by a previous agreement the Commonwealth was authorized to effect conversion of the debt on the basis of a 22½ per cent. reduction of interest on terms which are now set out in the Commonwealth Debt Conversion Act, 1931, and that approximately 97 per cent. of the existing securities have been converted on the basis and terms aforesaid. It then provides that the remaining existing securities shall also be converted on the same basis and terms.

Firearms and Guns.—The Gun Licensing Act of 1885 was confined in its operation to municipalities and places situated within five miles of any municipality, and though it received an extended application in some respects from an amending Act of 1925, yet the need has long been felt for an enlarged operation of the licensing system.

The obligation to obtain licences contained in the present Act (No. 8) is confined, in the case of all persons except Asiatic and African aliens, and in respect of weapons other than pistols and airguns, to municipalities and places within one mile of the boundaries of any municipality; but the Governor is empowered to make the whole Act applicable to portions of the State outside these limits. In other respects the Act is applicable generally throughout the State.

The Act forbids any person having any firearm in his possession, or selling, acquiring, delivering or disposing of any firearm, unless pursuant to the authority of a licence under the Act.

Licences may be granted by the Commissioner of Police or by any member of the police force acting with his authority, and are of four kinds, viz.: (1) licences to possess firearms of any specified kind or kinds, (2) licences to manufacture and repair firearms, (3) licences to deal in firearms, and (4) licences to conduct a shooting gallery on specified premises.

A licence continues in operation till December 31 of the year in which it is granted, and no longer, and is not transferable.

No licence is to be granted authorizing any person under the age of twenty-one years to have or retain any pistol in his possession, and no licence of any kind may be granted to any person under the age of sixteen years.

No Asiatic or African is to be granted any licence unless his application has been specially approved by the Commissioner of Police; but this provision is inapplicable to persons of the Jewish or Lebanese race.

Certain exemptions are enacted, the principal being naturally in favour of the naval, military and police forces.

A wide discretion to refuse licences to persons deemed to be unfit is vested in the Commissioner, but his refusal is subject to an appeal to a magistrate. Extensive powers of search, seizure and arrest are vested in the police, and magistrates are empowered to grant search warrants when deemed necessary.

Important powers are conferred on the Governor by s. 14, which enables him (in case any emergency arises calling for precautionary measures) to declare by proclamation that all dealers and manufacturers and repairers of firearms in the State, or in any specified portion thereof, having firearms in their possession shall render them innocuous in the

manner described in the proclamation, and he may likewise require the delivery of such firearms or the essential parts thereof to the police for safe keeping.

The court convicting any offender against this Act may forfeit his weapons and cancel his licence and disqualify him for any period from being a licensee.

Trustees' Protection.—Act No. 9 was intended to come into force simultaneously with the Commonwealth Debt Conversion Act, 1931, and was designed to enable trustees to convert, or to withhold signification of dissent from the conversion of, any "existing security" within the meaning of the Act just mentioned into "new securities" within the meaning of that Act.

Trustees' Powers.—S. 2 of Act No. 10 enables a trustee at any time, either with or without consideration, to vary, release, waive or modify the terms of any lease comprising any part of the trust property (including the term providing for payment of rent) but so that the lease as modified shall be such as might have been lawfully granted on surrender or determination of the original lease.

Another section provides that where by force of any statute the interest to become payable under any mortgage comprised in a trust is reduced in rate, then the trustee shall have discretionary power to refrain from exercising any right vested in him by the statute to apply to any court for leave to charge interest at a higher rate.

A further power conferred on trustees is that of determining in case of doubt whether any moneys comprised in settled property and coming to their hands are capital or income, and whether any loss suffered is a capital or income loss.

Nothing in the Act is to be deemed to authorize a trustee to do anything which the trust instrument forbids, or to omit to do anything which it expressly directs him to do.

Constitution Amendment.—Act No. 11 recites the holding of a conference between Commonwealth and State Ministers for the purpose of devising measures for meeting the grave financial emergency existing in Australia, and that a plan was agreed on by such Ministers for re-establishing the financial stability of the Commonwealth and States by (*inter alia*) reduction in public expenditure. This Act is intended in part to implement this plan by reducing certain salaries which are permanently appropriated in the Constitution Acts.

The persons affected are the Governor and his private secretary, the Clerk of the Executive Council, the judges of the Supreme Court, and the Ministers, and the reductions range from 18 to 22½ per cent.

Mortgagees' Rights Restriction.—For the purposes of Act No. 19 "mortgage" includes not only what is generally understood by the word, but also any agreement for the sale of land which has not been completed by transfer and under which the purchase money is payable by instalments. Such an agreement is to be deemed equivalent to a mortgage to secure payment of the purchase money and interest. Similarly the Act extends to leases of land containing optional or compulsory purchasing clauses, the rent being treated as interest and the agreed purchase money as principal secured by a mortgage.

The Act is expressly declared not to bind the Crown or any instrumentality of the State Government.

It applies to all mortgages current on the date of the commencement

of the Act (August 19, 1931) and to any mortgage thereafter executed as security for any money that was secured by any mortgage current on that date. Contracting out is strictly prohibited.

A mortgagee is forbidden, except with the leave of the Supreme Court, to call up the mortgage money or to take any steps, by sale, entry into possession, foreclosure or otherwise, to enforce his security.

In the case of an agreement for sale if the vendor, without the leave of the court, has taken any steps to forfeit the rights of the purchaser, he may be ordered to reinstate the purchaser in the enjoyment of such rights.

A mortgagee is, however, empowered to enter into possession of an abandoned property.

In dealing with applications for leave the court is required to consider the mortgagor's chances of redeeming the property, his conduct in the matter and the extent to which his default has been caused or contributed to by economic or financial conditions affecting trade or industry in the State.

The court is further to consider any hardship that may be suffered on one side or the other, and is not to grant the leave applied for unless satisfied that it would be unjust and inequitable not to grant it.

Leave, if granted, may be made subject to any terms which the court may see fit to impose.

In case a mortgagee seeks to recover interest by action, the court may give judgment for payment at a future date or for payment by instalments.

Notwithstanding the foregoing provisions, a vendor may (unless the Supreme Court otherwise directs) exercise his rights under the contract of sale if the purchaser is twelve months in arrear in payment of principal or interest and has, during any period of six months, made no payment on account of the amount due under the agreement; but he must first give the purchaser one month's notice to pay.

No judgment creditor is allowed, except by leave of the Supreme Court, to issue any process of execution against land for the recovery of a sum of £50 or upwards. In dealing with applications for leave the court is to be guided by much the same considerations as apply in the case of applications by mortgagees.

Process of execution may, however, be registered against land, but is not to be enforced without leave.

Relief against the immediate enforcement of a judgment may be granted to a mortgagee if the immediate enforcement would inflict great hardship on him by reason of the effect of the Act on his property or investments or the realization thereof.

No period of time during which the enforcement of any right is suspended under the Act is to be taken into account for the purposes of any statute of limitations.

The Act is a temporary measure expiring on December 31, 1932, though an extension is obviously necessary.

Financial Emergency.—No. 20 is an Act to implement further the plan mentioned above.

All salaries payable to public officers are to suffer reduction by percentages ranging from 18 to 22½ per cent. The reduction ordered by the Act is subject to various qualifications, amongst which is the provision that the salary of an adult male officer is not to be reduced below £185 per annum and that of a female below £100 per annum.

Superannuation and retiring allowances are also to be similarly reduced.

The Treasurer is also empowered to reduce the amount of any annual or other grant payable to any institution, State instrumentality, association or other body by an amount not exceeding 20 per cent., and Part V of the Act enables a corresponding reduction to be made in the salaries of the employees of any body suffering such reduction.

The same part enables any employer who is bound by any industrial award or agreement under the Industrial Arbitration Act to apply to the Arbitration Court for a variation of the award or agreement, and if, on the hearing of the application, the court is satisfied that the national emergency with which the State is faced justifies it in making an order for a reduction of the rates of wages or remuneration fixed by the award or agreement, so as to bring them into accord with the reduced salaries of public officers provided in the Act, the court may make an order that the award or agreement shall forthwith be varied so that the rates of wages or remuneration therein prescribed shall be so reduced accordingly.

Similar powers, to be exercised by a judge or magistrate acting as a Commissioner under the Act, are available for the relief of employers other than those to whom the last-mentioned provision is applicable.

An important portion of the Act is Part VI, which provides for the reduction of mortgagees' interest, enacting that no mortgagee shall be entitled to charge and receive interest under his mortgage at a rate exceeding 77½ per cent. of the rate provided in the mortgage or 5 per cent. per annum (whichever is the greater), unless and until he has obtained from a Commissioner appointed under the Act an order permitting him to charge interest at a higher rate.

The Act is to expire on December 31, 1932, though experience will show to what extent extension is necessary.

Reduction of Rents. Act—No. 21 is another measure characteristic of the times. It provides that rent accruing or to accrue due and payable under any lease shall be reduced by 22½ per cent. of the amount thereof, and shall be payable at such reduced rate unless and until the lessor has obtained from a Commissioner appointed under the Financial Emergency Act an order permitting him to charge and receive rent at a higher rate not exceeding that provided for in the lease.

The Act applies to leases current at the date of its commencement. With regard to any future lease it is provided that it shall not be lawful for the lessor, without the permission of a Commissioner, to reserve a higher rental for any land which is comprised therein and which was also comprised in a lease current at the commencement of the Act than the rental which was lawfully chargeable under the last-mentioned lease.

Hire-purchase Agreements.—The purpose of Act No. 22 is to preserve what is popularly, though inaccurately, called the purchaser's "equity."

It is accordingly provided as follows: (*a*) Whenever the vendor shall (except at the request of the purchaser) take possession of the chattel comprised in the hire-purchase agreement, the purchaser may, within 21 days thereafter, demand an account, which must be delivered to him within a further period of 21 days. (*b*) In the account the vendor is to credit the purchaser with the value of the chattel at the place where and the time when seized, and he may debit the purchaser with any instalments of rent overdue and unpaid (with interest thereon at 8 per cent. per annum) and with 90 per cent. of the instalments of rent which have not accrued due, and with any additional sum required to complete the purchase and also with the amount of any damages (not otherwise allowed

for) which the vendor may have suffered by the purchaser's breach of agreement. (*c*) The balance shown on the amount is to be a debt due by the vendor to the purchaser or vice versa, as the case may be. (*d*) If the purchaser is dissatisfied with the account, he may, within 21 days from the date of service, lodge the same in the nearest local court, together with a request to have it reviewed by the magistrate, and the clerk of the court is to summon the parties to appear before the magistrate in order that all matters in dispute between them may be settled and adjusted.

In any proceedings arising under these provisions or taken in any court in respect of any matter arising under a hire-purchase agreement or for the purpose of relief against the provisions of the agreement, if it is shown that : (*a*) the interest directly or indirectly charged is unreasonable ; or (*b*) any amounts charged for expenses, fines, etc., are unreasonable ; or (*c*) the agreement contains terms inserted with a view to the evasion of the Act ; or (*d*) the transaction is harsh and unconscionable, then the court may : (*a*) reopen the transaction and any account stated between the parties ; (*b*) relieve the purchaser from payment of any amount in excess of what the court thinks, in the circumstances, is fairly payable in respect of purchase money, interest and charges ; (*c*) set aside any agreement made between the parties in connexion with the transaction ; (*d*) give judgment for either party for such amount as, having regard to any relief given, is justly due in accordance with the agreement or by reason of the breach of any term thereof.

State Savings Bank Transfer.—Act No. 26 ratifies an agreement for the transfer of the business and assets of the State Savings Bank to the Commonwealth Savings Bank of Australia.

Salvation Army Property.—Act No. 34 gives effect, so far as regards the property of the Army in Western Australia, to the recent rearrangement of the government and control of the Army. It incorporates a body of trustees in whom such property will be vested.

Companies.—Provision is made by Act No. 48 that when the capital of any company limited by shares is, by its memorandum of association, divided into different classes of shares one or more of which classes entitles or entitle the holders of shares comprised therein to a preferential right to a dividend at a specified rate (whether cumulative or not), or to a preferential right in a winding up to payment of arrears of preferential dividend, or to a preferential right to the return of capital, such company, by special resolution of the company (confirmed by a special resolution of the holders of any class of shares affected), may so far modify or alter the provisions of the memorandum as to effect a modification or alteration or an abandonment of all or any of such preferential or cumulative rights, either generally or for a limited time. By " special resolution " is meant a resolution carried by three-fourths of the votes, and any such resolution of a company requires confirmation by the Supreme Court.

7. PAPUA.

[*Contributed by the* Hon. Mr. Justice R. T. Gore.]

There were 13 Ordinances passed during the year 1931. Those worthy of comment are dealt with hereunder.

Native Labour.—No. 1 repeals s. 94 and Schedule M of the Native Labour Ordinance, and substitutes a new s. 94 which provides that the Lieutenant-Governor may make regulations prescribing the fees to be

charged employers under the provisions of the Ordinance in respect of contracts of service permits, certificates and guarantees.

No. 9 amends the principal Ordinance. To s. 22 is added a proviso giving the power to the Lieutenant-Governor by Order in Council to extend the maximum period of three months during which natives may be employed not under contract of service. This is to ease the general restriction so as to be more in accordance with the spirit of the non-indentured service provisions of the Ordinance (to be referred to later) wherein under certain conditions no restriction as to length of service is imposed. S. 22B is inserted as a new section, and it forbids the employment of a native under a written contract except a written contract under the provisions of the Ordinance. It also forbids a native to be employed under an agreement which restricts the right of either party to determine the employment without notice.

Two other new sections are inserted. One forbids the payment of wages to a native engaged other than under a written contract of service under the Ordinance at greater intervals than are prescribed by regulation. The other gives the power to the Lieutenant-Governor to prohibit an employer or his agent from employing natives if it appears desirable for any cause to order prohibition in the interests of natives. The order may be general with respect to all natives and all occupations, or limited to natives of any class or either sex or to any kind of occupation. Any employer or agent who disobeys the terms of an order commits a breach of the Ordinance. Before making an order the Lieutenant-Governor may first call upon the employer or agent to show cause.

As a new part to the Native Labour Ordinance, the whole of the provisions of the Natives (Non-Indentured Service) Ordinance, 1927 (except s. 7, which has been inserted with some alteration as a new section in the general body of the Native Labour Ordinance and is the section referred to lastly in the preceding paragraph hereof), have been inserted. This was done merely for the sake of convenience, and no alteration in the law has been made. The provisions of the Natives (Non-Indentured Service) Ordinance, 1927, have already been reviewed in an earlier volume of this *Journal*.[1]

No. 10 repeals the Natives (Non-Indentured Service) Ordinance, 1927.

Navigation.—No. 4 amends the principal Ordinance by inserting a new section giving the Lieutenant-Governor power to make additional regulations with or without the recommendation of the Marine Board in relation to: (*a*) the inspection and testing of machinery and appliances for the loading and unloading of ships; (*b*) the prevention of the use of defective machinery and appliances for the loading and unloading of ships; (*c*) the protection of the health and the security from injury of persons engaged in the loading and unloading of ships; (*d*) matters affecting the stability of ships; (*e*) the safety of persons going on and coming from ships when alongside wharves or piers; (*f*) the fixing of fees.

Customs.—No. 6 removes the export duty on pearls.

No. 7 provides for the imposition of a general customs duty on imports. This is a primage duty the imposition of which is necessitated by the falling off in revenue due to the general depression. It has no protective aim, and its provisions contemplate a removal of the duty with increased prosperity, for the Lieutenant-Governor may by proclamation suspend

[1] *Vide* Third Series, vol. xi, pt. ii, p. 125.

the operation of the Ordinance. The rate is 4 per cent. on the value of the goods.

Superannuation.—No. 12 increases the term of service for pensions in the Public Service from twenty years to twenty-eight years. This only affects officers who joined the Public Service after July 1, 1931.

IV. NEW ZEALAND

[*Contributed by* J. CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public and General—49; Local and Personal—10; Private—3.

During 1931 there were two sessions of Parliament, the first beginning on March 11 and ending on May 7, the second beginning on June 25 and ending on November 11. The first was in the nature of an "emergency" session, Parliament being called together principally for the purpose of dealing with the general financial position and also for the purpose of passing special legislation in relation to the series of earthquakes that caused extensive damage in the Hawke's Bay district in February of that year. A major part of the year's legislation is concerned with phases of public economy; in the Customs Act and the Land and Income Tax Acts the purpose is to increase the amount of the public revenue; the Finance Act (No. 1) has for its purpose the reduction of public and private expenditure, effected by a general reduction in salaries and wages; the Mortgagors Relief Acts are designed to protect mortgagors (principally farmers) from the harsh exercise by mortgagees of their powers of re-entry into possession or of enforcing recovery of principal or interest.

The following review deals with so much of the legislation as may be of more than local interest only.

Public and Other Expenditure.—The Finance Act (No. 1) deals in Part I with the expenditure of public moneys, and in Part II with provision for the reduction of rates of wages payable in accordance with the terms of industrial awards and industrial agreements (in force under the Industrial Conciliation and Arbitration Act). Similar legislation was passed in 1921 (in the Public Expenditure Adjustment Act, 1921–2, and the Industrial Conciliation and Arbitration Amendment Act, 1921–2).

The general effect of Part I is to effect as from April 1, 1931, a reduction of 10 per cent. in all salaries, wages, allowances, fees, commissions and other emoluments payable out of the Public Account. The Act has no application to judges of the Supreme Court (a reduction of their salaries being regarded as a breach of constitutional law), but applies to all other offices, whether held under the general provisions of the law or by virtue of special contract. Contributors to the several Superannuation Funds have been accorded the right of continuing to contribute to such funds the same amount as if they had not suffered a reduction of salary; those who have elected to avail themselves of this right will in due course be entitled to receive a superannuation allowance computed on the amount of their former salaries.

Part II (relating to rates of wages payable under awards and industrial agreements) does not itself effect a reduction of such wages, but gives to

the Arbitration Court authority to investigate the facts of each case, and to amend the relevant awards or agreements by a reduction of rates of wages. The general result of the authority so conferred has been to effect a 10 per cent. reduction.

In addition to the reduction of salaries effected by Part I authority is given to retire officers from the several public services (that is, in addition to the Public Service proper, the Railway Service and the Education Service) before in ordinary course they would have been entitled or allowed to retire, provision being made in such cases for the grant of a pension at a reduced rate to be actuarially computed.

The Finance Act (No. 5) was passed during the emergency session (on April 28), its principal purpose being to make certain further provisions (complementary to those in the Finance Act, No. 1) for the reduction of government expenditure. Among other economies is included the abolition of Junior and Senior National Scholarships, under the Education Act, and the substitution of a system of bursaries of reduced value.

The Finance Act No. 4 (No. 44) contains divers provisions and is divided into Parts, as follows: Part I, Public Revenues and Loans; Part II, Amendments of the Unemployment Act; Part III, Amendments of the Education Act; Part IV, Amendments of the Acts governing the several contributory superannuation funds established respectively for teachers, railway servants, and other public servants; Part V, Provisions as to local authorities and kindred bodies; Part VI, Miscellaneous.

In the provisions relating to education, authority is conferred on Education Boards to terminate the employment of married women teachers. The remaining provisions of the Act are not of any general interest, but are concerned exclusively with details of administration either of the general government or of local government.

Immigration Restriction.—The Immigration Restriction Amendment Act (No. 2) is a temporary measure, due to expire on December 31, 1933. It also has reference to the present economic position, and empowers the Governor-General in Council to make regulations prohibiting the landing in New Zealand of persons of any specified nationality or race, or of any specified class or occupation; the regulations may be made applicable to British subjects or other persons to whom Part I of the Immigration Restriction Act, 1920, does not apply.

Relief of Mortgagors.—The Mortgagors Relief Act (No. 3) and the Mortgagors Relief Amendment Act (No. 47) are for the purpose of protecting mortgagors in the possession of their property notwithstanding default in payment of principal or interest. The legislation is generally on the lines of the several Mortgages Extension Acts passed during and after the war, with the essential difference that in the former legislation a mortgagee, before proceeding to exercise his powers of sale or other powers in the event of the mortgagor's default, was required to obtain the leave of the Supreme Court so to do; under the present legislation the procedure is reversed, and a mortgagor who wishes to obtain relief must apply to the court within a limited time for protection. Under the principal Act (No. 3) the authority of the court in the matter of granting relief was limited, in effect, to a postponement of the mortgagee's powers, the court being directed at the same time to take into consideration the probability of the mortgagor's recovery from his financial difficulties in the event of reasonable time being granted. In the case of farm-lands, this amount of protection proved insufficient and by the amending Act

(No. 47) the court is empowered, in addition : (*a*) To postpone (for not more than two years) the due dates of payment of principal or interest ; (*b*) to reduce the rate of interest chargeable under a mortgage ; (*c*) to remit, in whole or part, arrears of interest.

With a view to encouraging voluntary readjustments, as between mortgagees and mortgagors, authority is given for the establishment of such number of commissions as may be required, to inquire into the circumstances of particular cases, and to make recommendations to the parties for voluntary adjustments of their respective rights and obligations. Though the statutory title of these commissions is " Mortgagors' Liabilities Adjustment Commissions," they have in fact no executive powers, their sole function being to make inquiries, either at the request of the court or of the parties to a mortgage, and to make recommendations to the court or to the parties, as the case may require. It is anticipated that the existence of such commissions (which will consist of men with knowledge of farming operations and of farmers' accountancy) will be to encourage voluntary adjustments to such an extent that the exercise by the court of the statutory powers of reduction, postponement and remission will be found unnecessary save in exceptional cases.

Government Railways.—The unsatisfactory financial position of the government railways, due largely to the substitution of motor transport for transport by rail, has led to frequent changes of policy during the last few years.[1] The Government Railways Amendment Act (No. 4) provides again for a Government Railways Board, but does not displace the general manager ; the purpose of the present Act is to remove the railway service from ministerial control, and the general manager is now under the direction of the Board, and both the Board and the general manager are freed from the Minister. As a result of the Act a reconstruction of the administrative branch of the department has taken place ; the former general manager has resigned his position as such and has been appointed as chairman of the Board.

Hawke's Bay Earthquake.—Three Acts of 1931 deal with the effects of the series of earthquakes that occurred with disastrous result in the Hawke's Bay district in the month of February 1931. In the emergency session the Hawke's Bay Earthquake Act (No. 6) was passed ; in the ordinary session an amendment (No. 27) of the Land Transfer Act was passed providing for the reconstitution of the Land Transfer Register for the district, the original register having been destroyed by fire following the earthquake ; in that session there were also passed the Hawke's Bay Earthquake Relief Funds Act (No. 29), which gives to the Public Trustee and a Control Committee the administration of the several funds raised for the relief of sufferers from the effects of the earthquake. The Hawke's Bay Earthquake Act does two principal things. In the first place, it establishes a special Court of Record (called the Hawke's Bay Adjustment Court) consisting of a judge of the Supreme Court and two nominated members with power (1) to make declaratory orders as to existing rights and obligations, where the evidence of those rights and obligations had been destroyed ; and (2) to make orders for the relief from their legal

[1] See *Journ. Comp. Leg.*, Third Series, vol. ix, pt. ii, p. 123 (reviewing the legislation of 1925), for provisions as to the constitution of a Government Railways Board to replace the general manager as the principal administrative officer ; and *Journ. Comp. Leg.*, Third Series, vol. xii, pt. ii, p. 136 (reviewing legislation of 1928), as to the abolition of that Board and the return to the former system of administration by a general manager.

obligations of persons who had suffered financial loss as the result of the earthquake.

In the second place, the Act makes provision for setting up a committee of five persons, to be known as the Hawke's Bay Rehabilitation Committee, whose function is to consider applications for financial assistance made by persons who have suffered loss or damage by reason of the earthquake, and to make recommendations in respect of such applications to the Minister of Finance, who is given authority to grant relief accordingly, out of moneys derived from the Reserve Fund Account. The other Acts referred to above are dealt with in more detail in their appropriate numerical order.

Unemployment.—The progressive increase of unemployment in New Zealand in the years 1930 and 1931 has necessitated a considerable amount of legislation. For convenience the Acts are here grouped together.

The Local Authorities Empowering (Relief of Unemployment) Extension Act (No. 8) extends for a further period of twelve months (that is, until July 31, 1932) the authority conferred on local authorities by the Act of 1926 to borrow moneys for expenditure on works undertaken in relief of unemployment, without the necessity first to take a poll of rate-payers on a proposal that moneys be borrowed for the purpose of carrying out the works in contemplation.

The Unemployment Amendment Act (No. 9) extensively amends the Unemployment Act, 1930. By that Act an annual levy of 30*s.* was imposed on all adult male residents in New Zealand as the nucleus of an Unemployment Fund. Expenditure from the Unemployment Fund was to be subsidized by an equal amount from the Consolidated Fund. The policy of the 1930 Act was that the fund should be expended in ways calculated to stimulate employment and, in particular, that the fund should not be applied in the form of sustenance allowances. The policy of providing work, and not sustenance allowances, has been adhered to, but the financial provision made has proved hopelessly inadequate for its purpose. In the amending Act, the special taxation for the purposes of the fund has been altered, so as to provide as follows: (*a*) For a general levy of 20*s.* a year on adult male residents (in lieu of the original levy of 30*s.*); (*b*) a tax on all wages and salaries (whether earned by men or women) at the rate of 3*d.* in the £. This item is collected at the source, before payment is made; (*c*) a tax of 3*d.* in the £ on all other income (collected quarterly, after declaration made as to amount) payable by all adult males who receive any such income, and by all women whose annual incomes are in excess of £250.

For the administration of the fund the representative Unemployment Board established under the Act of 1930 has been reconstituted, and the fund is now administered by an appointed Board of three members, together with the Minister in Charge, and the Commissioner of Unemployment, who is an officer of the Public Service. The policy of the present Board is to apply the available moneys, so far as possible, in productive works, and special authority is given in Part II of the Finance Act, No. 4 (No. 44), for the employment of men on privately owned property, in such productive works as clearing, draining, irrigation and reclamation. It is to be noted that the Unemployment Board is not in any case an employer, but the fund is applied by way of grants or loans to employers. The present estimated income of the fund (inclusive of the subsidy from the Consolidated Fund) is £2,500,000, and unless there is

a speedy recovery in the industries of the country, a further increase in taxation is inevitable.

Rent Restriction.—The Rent Restriction Extension Act (No. 11) extends until August 31, 1932, the duration of the rent restriction Acts originally passed during the war. Special provision is also made in this Act for the application of the Acts in question to rented dwelling-houses in areas affected by the Hawke's Bay earthquake of February 1931, that would not in the ordinary course be within the scope of legislation. In this special case, as in the general application of the rent restriction legislation, the legislation does not apply to any dwelling-house unless and until it is applied by a stipendiary magistrate on the application of the tenant.

Rates of Interest.—The Local Authorities Loans (Rates of Interest) Act (No. 12) restricts the rate of interest that may be paid by local authorities and public bodies on future loans. The general effect is to reduce rates of interest by one-half of 1 per cent., but not below 5 per cent.

Licensing Poll Postponement.—Under the Licensing Acts, a poll is taken, in ordinary course, at every general election of members of Parliament on a proposal as to " National Prohibition " or, in the alternative, " National Continuance " of licences for the sale of intoxicating liquors. As a measure of economy and with the concurrence of the two principal organizations representing public opinion " for " and " against " the liquor traffic, it was decided to forgo the taking of a licensing poll at the general election of 1931, and effect is given to this decision by the Licensing Amendment Act (No. 15).

Defence.—As a measure of economy a reduction has been effected in the administration of the Defence Forces by a resolution in the prescribed training of the Territorial Force constituted under the Defence Act, 1909. The Defence Amendment Act (No. 17) makes provision consequential on such reduction of training, for retention in the Territorial Force of the services of a nucleus of trained men after an age when in other circumstances they would be transferred to the Reserve. This is effected by extending the age for transfer to the Reserve from 25 years to 35 years.

National Provident Fund.—The National Provident Fund which was established under the National Provident Fund Act, 1910, was originally designed to enable persons of limited means to make provision (by a scheme of contributory pensions) against destitution arising from old age, sickness, widowhood and orphanage. The original scheme has since (from 1914 onwards) been much extended and now the fund, which is subsidized from the Consolidated Fund, is largely used by local authorities and other employers as a convenient means for the establishment of superannuation funds for their employees.

The National Provident Fund Amendment Act (No. 18) removes from the principal Act certain difficulties of administration created by a general reduction in the rates of wages or salaries of employees in respect of whom any local authority or other employer is a contributor to the fund in accordance with an approved superannuation scheme.

Taxation (Land and Income.)—The prevailing economic conditions have so reduced the national income that, early in the second session, the necessity for further taxation was admitted by two of the main political parties, namely " the United " (in office) and " the Reform " (the official Opposition). This agreement led to the formation of a Coalition Government, with the Labour Party as the official Opposition. The taxation measures are the fruit of this agreement of the two parties.

The Land and Income Tax Amendment Act (No. 20) amends the law as to the assessment of tax; the Land and Income Tax (Annual) Act (No. 21) fixes the rates of land-tax and of income-tax for the financial year 1931–2.

By the first-mentioned Act the following substantial alterations of the law are made: (1) The general exemption from income-tax is reduced from £300 to £260; this exemption disappears with an income of £800, being reduced at the rate of £1 for every £3 of income between £260 and £560; and at the rate of £1 for every 30*s.* of income above £560; (2) s. 4 increases the liability of farmers to pay income-tax; (3) s. 6 provides that certain classes of non-assessable income, though not made assessable, shall be taken into account for the purpose of determining the rate of tax payable on the taxable balance of the assessable income. Included in the non-assessable income herein referred to is income derived by a tax-payer from tax-free government debentures.

The Land and Income Tax (Annual) Act (No. 21) very considerably increases the rates of income-tax for the year, but (in furtherance of the Government's policy to assist primary producers) reduces the rate of land-tax.

Companies (Labour Shares).—The Companies Empowering Amendment Act (No. 23) amends the Companies Empowering Act, 1924, which authorized the issue of so-called "labour shares." [1]

"Labour shares" have no nominal value, and they are not part of the company's capital. Whatever benefits they confer on their holders are voluntarily conferred by the company's memorandum or articles of association. These benefits may be a defined share in the assets of the company, or a voice in its management, or both such advantages.

The effects of the amending Act are—(1) to enable a company to issue labour shares without the necessity of altering its memorandum of association; and (2) to repeal s. 4 of the principal Act which required that the Court of Arbitration should inquire into the merits of any scheme for the issue of labour shares. This section was inserted in the original Act, in its committee stage, the intention apparently being to safeguard the interests of workers, the fact being overlooked that the issue of labour shares is not an alternative to any other benefits that workers may be entitled to claim, but is something over and above any other rights. The only effect of requiring the reference of a scheme to the Court of Arbitration was to discourage companies from taking steps for the issue of labour shares.

Stamp Duties.—The Stamp Duties Amendment Act (No. 25) imposes taxation (by way of stamp duties) on: (1) Tickets in authorized raffles (at the rate of 10 per cent. of the nominal value); and (2) Passenger tickets issued in New Zealand for passages to places beyond New Zealand (at the rate of 5 per cent. of the amount of the passage-money).

Air Navigation.—The Air Navigation Act (No. 26) repeals the Aviation Act, 1918, and makes provisions, on the lines of the Air Navigation Act, 1920 (Imperial), for the purpose of enabling the New Zealand Government to comply with the requirements of the Convention relating to Aerial Navigation, signed at Paris on October 13, 1919 (to which Convention the New Zealand Government is a party). It is now the intention of the Government to issue regulations under the Act on the lines of the several Imperial Air Navigation Orders.

[1] See *Journ. Comp. Leg.*, Third Series, vol. viii, pt. ii, p. 169.

Land Transfer (Hawke's Bay).—This Act (No. 27) (the details of which are very technical) authorizes the making of a new Land Transfer Register for the Hawke's Bay Land Registration District, in replacement of the original register, which was destroyed by fire following the series of earthquakes that occurred in that district on February 3, 1931. The purpose of the Act is to enable the Registrar to compile a register from the best evidence available. The Act deals separately with the following matters: (*a*) Provisions applicable where outstanding duplicates of instruments are extant; (*b*) Provisions applicable where registered instruments and outstanding duplicates have been destroyed; (*c*) The issue of interim certificates of title (interim certificates are not conclusive evidence of title until the expiration of six years from date of issue); (*d*) leasehold interests in Crown lands; (*e*) other interests in land; (*f*) native freehold lands.

For purposes of the compilation of the new register, the Registrar is given extensive powers of requiring the production of documents and of summoning persons to give evidence before him.

Trading Coupons.—The Trading Coupons Act (No. 28) is a restrictive measure intended to check the custom that has grown up in connexion with certain businesses of making so-called "gifts" to customers on production of coupons evidencing the purchase of goods of a certain value. The complaint made against this method of trading is that it tends to destroy the legitimate business of persons who deal in goods of the classes from which the "gifts" are usually selected. The Act now under consideration provides that after April 30, 1932, trading coupons shall be redeemable unconditionally for money and not otherwise. Restrictions are also imposed upon the classes of persons concerned in the manufacture, distribution or sale of goods by whom trading coupons may lawfully be redeemed.

Earthquake Relief Funds.—The Hawke's Bay Earthquake Relief Funds Act (No. 29) makes provision for the administration and control of moneys raised by private subscription or otherwise for the relief of distress amongst persons injuriously affected by the series of earthquakes that occurred in the Hawke's Bay district. The legislation is generally on the lines of legislation passed during the war for the control and administration of War Funds. The relief funds are vested in a "Central Committee" which is incorporated for the purpose; and the Audit Office is required to audit the accounts of the Committee as if the funds were moneys belonging to the Government of New Zealand.

Customs.—The Customs Acts Amendment Act (No. 30) imposes further duties of customs and of excise. Part I relates to customs duties on imported goods; Part II to excise duty on beer manufactured in New Zealand; and Part III to excise duty on tobacco manufactured in New Zealand. The depreciation of currency and variations in the rates of depreciation in different countries have necessitated the enactment of certain special provisions which, however, can be understood only by consideration in relation to their context, and it is not attempted to summarize them here.

Native Lands.—The Native Land Act (No. 31) and the Native Purposes Act (No. 32) are consolidations, with amendments, of existing law. The drafting of the Native Land Act, 1909 (which is the basis of the present consolidation) was the work of the late Sir John Salmond; its excellence has been acknowledged by all authorities concerned with

the administration of the law as to Natives and Native land in New Zealand.

Since 1909, amending legislation has been passed each year, until the matter of consolidation became again urgent. The present consolidation is the work of the Under-Secretary of the Native Department (Judge Jones), who is also the Chief Judge of the Native Land Court, in association with the Hon. the Native Minister (Sir Apirana Ngata), who is himself a graduate in law of the New Zealand University. Sir Apirana was also closely associated with the preparation of the original consolidation, and it was to him (then, as now, a Minister of the Crown) that the draftsman looked for expert information and advice in the subject-matter of his herculean task. Since 1909 many changes have been made in the details of the law, but the foundations then laid remain the foundations of the law to-day.

No useful purpose would be served by attempting here to summarize the provisions of the present consolidations.

Chattels Securities.—The Chattels Transfer Amendment Act (No. 34) makes two important amendments of the Chattels Transfer Act of 1924. The purpose of s. 2 can be best explained by a quotation from the explanatory memorandum attached to the Bill on its introduction :

> By s. 57 of the Chattels Transfer Act, 1924, provision is made for what are there referred to as customary hire-purchase agreements, in relation to chattels of the several descriptions mentioned in the Seventh Schedule thereto. The chattels referred to are all of kinds that are commonly bought on the hire-purchase system. For the purpose of financing hire-purchase transactions, a usage of trade has developed, by which the price of the chattel is paid to the manufacturer or dealer by a finance corporation established for that purpose, and the hire-purchase agreement is then made between the conditional purchaser and the finance corporation. It has recently been decided by the Court of Appeal that such corporations are not " dealers " within the meaning of s. 57 of the Chattels Transfer Act, and that their agreements, although of precisely the same character as ordinary hire-purchase agreements, are not entitled to the benefits conferred by that section. The chief such benefit is that the agreements in question do not require to be registered as bills of sale or other instruments. The purpose of Clause 2 of this Bill is to establish as law what, prior to the decision of the Court of Appeal above referred to, was understood to be the legal position.

Clause 3 was added to the Bill, while in committee, on representations made by the chambers of commerce. Under the usual hire-purchase agreement, the vendor or bailor is entitled to resume possession of the chattel, the subject-matter of the agreement, in the event of default being made at any time before the completion of the purchase. The effect of s. 3 is to confer on the assignee in bankruptcy the right, in the event of the bankruptcy of the purchaser, to pay off the balance of the purchase-money outstanding and then to take possession of the chattel for the benefit of the creditors.

Transport.[1]—The Transport Licensing Act (No. 38) is the first Act passed in New Zealand designed to deal comprehensively with all commercial motor-transport services for the carriage of passengers and goods. The Bill as originally introduced also contained a special part providing for the licensing of commercial aircraft services, but that part was subsequently dropped.

The main object of the Act is the licensing of " passenger services "

[1] Contributed by J. W. Heenan, Esq., LL.B., the First Assistant Law Draftsman.

and "goods services" which are respectively defined as follows: "Passenger service" means a service for the carriage of passengers for hire or reward by means of a passenger-service vehicle or passenger-service vehicles; "goods service" means any service by motor vehicle for the carriage or haulage of goods for hire or reward unless the service is such that it is carried on entirely within the boundaries of a single borough or town district.

The term "passenger-service vehicle" is defined as meaning—"a motor vehicle used for hire or reward for the carriage of passengers, with or without goods, and includes a trackless trolly-omnibus, but does not include a motor vehicle which: (*a*) is designed for the carriage of persons not exceeding eight in number including the driver; and (*b*) is available for hire to any member of the public on terms which do not require expressly or impliedly the payment of separate fares by each passenger; and (*c*) is used for such purpose otherwise than on defined routes."

It is to be noticed that the term "passenger-service vehicle" does not include a "taxi" legitimately used as such.

Part I of the Act provides for the constitution of transport districts and licensing authorities and a Transport Appeal Board. Four districts are actually constituted by the Act itself comprising the four main centres of population—Auckland, Wellington, Christchurch and Dunedin—and the rest of New Zealand is to be divided into districts by Order in Council.

For each district there is to be a district licensing authority which, except in the case of the four centres, is to consist of three persons appointed by the Minister of Transport for a term not exceeding three years. No person financially interested in commercial motor transport and no officer or servant of any public authority carrying on any passenger service or any railway or tramway service is eligible for appointment. With regard to the four centres the Auckland Transport Board and the city councils of Wellington, Christchurch and Dunedin are the respective district authorities.

There is also to be a central licensing authority consisting of three persons appointed by the Minister.

Each district authority deals with services operated solely within its district. The Central Authority deals with services operating in two or more districts.

The Transport Appeal Board consists of three persons to be appointed by the Governor-General—one on the recommendation of the Minister as chairman, one from persons nominated by the Executive Committees of the municipal and counties associations and one from persons nominated by owners or associations of owners of services.

Part II deals in detail with passenger services and passenger-service vehicles. No passenger service may be carried on except under licence, and no such licence is to be granted unless the licensing authority is satisfied that the service is necessary or desirable both in the public interest and to meet the needs of the district or districts within which it is to operate, and even then a large number of matters—including the necessity to co-ordinate road, rail, tramway and ferry services and the elimination of wasteful and uneconomic competition—must be taken into account in considering each application.

A licensed service can be carried on only by means of passenger-service vehicles within the meaning of the Act and no passenger-service

vehicle can be used in connexion with any such service unless there is in force in respect of such vehicle a certificate of fitness. The granting of certificates of fitness is not a function of licensing authorities, but of the Commissioner of Transport.

There is a right of appeal against decisions of licensing authorities specified in s. 43 of the Act.

Part III deals with goods services, but whereas all passenger services must be licensed, goods services require to be licensed only when operating within " controlled areas " declared by Order in Council. A controlled area may be a district or districts or any part or parts of a district or districts or any route or routes or part or parts thereof. Provision is made for applying with such modifications as the Governor-General in Council thinks fit the provisions of Part II of the Act to controlled areas, and such provisions instead of being applied generally to any controlled area may be applied with respect only to goods services of a specified type or class or to a particular specified goods service.

Part IV makes provision for notices of accidents to be given to the Commissioner by telegraph and for the holding of inquiries, by direction of the Minister, into causes of accidents.

Part V contains general provisions. Offences are triable summarily, but only on the information of the Commissioner or any person appointed by him or a metropolitan authority, or a member of the police force. In connexion with evidence and proof of matters the subject of proceedings under the Act, paragraphs (*a*) and (*b*) of s. 55 are interesting. They read : (*a*) if it is shown that passengers or goods were carried on or drawn by any motor vehicle, such passengers or goods shall be deemed to have been carried or drawn in such manner as to bring the motor vehicle under the requirements of this Act until the defendant satisfies the magistrate to the contrary ; (*b*) the allegation in the information that a goods service is being carried on within a controlled area shall be sufficient evidence of that fact until the contrary is proved.

All statutory authorities for the Crown or any local authority or any public body to establish passenger and goods services are to be read subject to this Act.

The Motor-omnibus Traffic Act, 1926, is repealed.[1]

Broadcasting.—Until the present time, broadcasting in New Zealand has been left largely to private enterprise, the principal business being carried on by a commercial company, under licence from the Minister of Telegraphs, issued pursuant to Part I of the Post and Telegraph Act, 1928 (relating to wireless telegraphy). The purpose of the Broadcasting Act (No. 39) is to put broadcasting under the control of a Broadcasting Board of three members, whose functions and powers will closely resemble those of the B.B.C. in England. The Board will derive its authority from a licence or licences issued by the Minister of Telegraphs in accordance with the Post and Telegraph Act, but will in other respects be independent of governmental control. The Board (which assumed control on January 1, 1932) is a Board of business men, but provision is made in the Act for the appointment of an Advisory Council which will presumably be constituted of men and women actively interested in the subject-matter of broadcast programmes.

Crown Lands.—The Land Laws Amendment Act (No. 40) contains amendments of the law relating to Crown and other lands. The main

[1] See *Journ. Comp. Leg.*, Third Series, vol. x, pt. ii, p. 112.

provisions of the amending Act are for the purpose of affording to Crown tenants relief from undue hardship during the prevailing economic depression. *Inter alia*, provision is made for the temporary extension of leases of small grazing-runs and of certain other classes of leases and licences, the purpose being to postpone the commencement of a new term (with a revalued rental) until normal conditions have been somewhat restored. For the purpose of assisting Land Boards in the administration of these and other provisions in the law for the relief of Crown tenants, provision is made for the appointment of such number of local advisory committees as may be found necessary or convenient.

Scientific and Industrial Research.—The Scientific and Industrial Research Amendment Act (No. 42) makes provision for the appointment of (*a*) an Industrial Division ; and (*b*) an Agricultural Division—of the Research Council established under the Scientific and Industrial Research Act, 1926.[1] As these names indicate, the purpose of the amending Act is to stimulate research in relation specially to the development both of primary and of secondary industries.

Barristers and Solicitors.—The Law Practitioners Act (No. 46) is a consolidation, without substantial alteration, of the law relating to the examination, admission and professional conduct of barristers and solicitors of the Supreme Court of New Zealand. Included in it are the provisions as to the establishment and administration of the Solicitors' Fidelity Guarantee Fund enacted in 1929.[2] None of the provisions of the present consolidating measure calls for special mention.

Reprint of Statutes.—The only general consolidation of the public Acts of New Zealand that has yet been made was enacted in 1908, when the Consolidated Statutes Enactment Act of that year was passed. That Act was in itself a simple enacting measure (of six sections), with four Appendixes. Appendix D contained in five quarto volumes the text of the consolidated public Acts, and, with certain exceptions on special grounds, the prior legislation, dating from 1854 to 1907, was repealed. Many changes in the form and substance of the statute law have been made since 1908, and although a good deal has been done to simplify the statute-book, by compilation and by consolidation with amendments, much was left to be desired if the law was to be made generally accessible. In 1930, the then Attorney-General (the Hon. Sir Thomas Sidey) became concerned with the fact that the five volumes of the consolidated statutes of 1908 were out of print, as also were several of the sessional volumes subsequent to that year. It was evident to him that something had to be done to make the law available even to lawyers and others whose profession or business demands that they know it, or at least know where it is to be found. A mere reprint of the existing volumes would have been almost useless. The alternatives were between a consolidation on the lines of that of 1908, or a reprint on the lines of *The Complete Statutes of England* which, in continuation of Halsbury's *Laws of England*, had just been published. It was essential that whatever was decided upon should be completed promptly. After consideration of the relative merits and of the degrees of difficulty that would be involved in carrying out the alternative schemes, the Government decided, in June 1930, that a reprint should be prepared on essentially the same lines as *The Complete Statutes of England*. The eight octavo volumes, with a total of over 9,000 pages,

[1] See *Journ. Comp. Leg.*, Third Series, vol. x, pt. ii, p. 105.
[2] See *Journ. Comp. Leg.*, Third Series, vol. xiii, pt. ii, p. 97.

were published in October 1932. A ninth volume (containing an Index of subject-matter, historical tables and certain other supplemental matters) is to be published later.

The work has been published by Messrs. Butterworth & Co. (Aus.) Ltd., and was printed by the New Zealand Government Printer. An Editorial Board, consisting of the Right Hon. Sir Michael Myers, the Chief Justice of New Zealand, the Hon. Mr. Downie Stewart, the Attorney-General, and the writer was appointed by the Government to supervise the work, while the preparation of the manuscript (including not only the text of the reprinted Acts, but the preliminary notes to " titles," notes on judicial decisions, and editorial comments) was undertaken by the publishers, who appointed Mr. Alleyn Palmer (Oxon), barrister-at-law of the Inner Temple, as Managing Editor in charge of their London staff employed on the work. Mr. Palmer was afterwards commissioned by the publishers to visit New Zealand in order to supervise the passage of the work through the press, and the standard of excellence that has been attained is in large measure due to him.

The Reprint purports to contain all the public general Acts in force on December 31, 1931, in the form in which they were then in force. Repealed or expired enactments have been omitted, and verbal amendments have been incorporated in their appropriate places in the amended Acts. The deletion of words from former Acts has been indicated by the use of full points, while verbal amendments have been enclosed within heavy square brackets. Editorial comments following the several sections trace the historical development of each section. Case law is noted, though the references to judicial decisions do not claim to be exhaustive. Where the statute law of New Zealand follows (as in many cases it does) the law of England, editorial references to the corresponding provisions of the English statute and of the case law thereunder are given as notes to the sections affected.

Although the publication is primarily and essentially a reprint of the existing statute law, the editors have not limited themselves strictly to the compilation of such a reprint. In many cases short descriptive notes on common law titles have been inserted, which, though not in themselves giving much information on the subject-matter, may serve as a guide to fuller sources of knowledge.

Imperial Acts in force in New Zealand are not generally within the scope of the work, but under the title " Constitutional Law " there have been printed the Constitution Act, 1852 (15 & 16 Vict., c. 72), the Colonial Laws Validity Act, 1865 (28 & 29 Vict., c. 63) ; and (although it is not yet in force in New Zealand) the recent Statute of Westminster. In the Preliminary Note to the title " Criminal Law " the editors have reprinted a memorandum that was attached to the Criminal Code Bill of 1883 ; this memorandum included, *inter alia*, a discussion of the draft Criminal Code Bill which was introduced into the Imperial Parliament in 1880, being founded on the Bill of 1878 which was prepared by Sir James Fitzjames Stephen, who is described in the memorandum as " one of the most enlightened criminal lawyers of the age." In the Preliminary Note to the title " Natives and Native Land " the text of the Treaty of Waitangi, dated February 6, 1840, is set out.

The certificate of the Hon. Wm. Downie Stewart, the Attorney-General, is in the terms of the Reprint of Statutes Act, 1931 (No. 13), and states that the Reprint " correctly sets forth the law enacted by the

several enactments contained therein as at the 31st day of December, 1931."

By the Reprint of Statutes Act referred to above, all courts and persons acting judicially are directed to take judicial notice of the reprint, which is presumed to be correct until the contrary is proved.

In concluding his "Foreword" to the publication His Honour the Chief Justice of New Zealand (Sir Michael Myers, P.C., K.C.M.G.) says, "An endeavour has been made in this work to meet the difficulty [that is, of knowing with certainty what is the existing statute law] by a complete reprint of the Public General Statutes showing the amendments in what is believed to be a clear and concise form. I hope and believe that these volumes will be a great convenience to the courts, to practitioners, and to Government Departments, and that they will greatly expedite and simplify the work of all whose business it is to construe and advise upon the statute law."

V. WESTERN PACIFIC.

1. FIJI.

[*Contributed by* C. G. Howell, Esq., *Attorney-General.*]

During 1931 forty Ordinances were passed, of which the following are the principal:

Public Holidays.—Ordinance No. 1 provides for the celebration of the birthday of the Sovereign on the actual anniversary instead of on the succeeding Monday as was the previous practice. It also empowers the Governor to appoint as a holiday either the Monday preceding or the Monday following the tenth day of October and either the Monday preceding or the Monday following the anniversary of the birthday of the Heir to the Throne. The distinction in the repealed Ordinance between a public and a bank holiday is not retained in this Ordinance, as in practice no such distinction was ever drawn.

Immigration.—It was considered to be desirable to check the entry of persons who, in the opinion of a visiting officer, were likely to become chargeable to the Colony. This purpose is effected (No. 5) by empowering a visiting officer to demand a deposit not exceeding fifty pounds as a condition of such persons' landing in the Colony. The object of the deposit is to enable a "destitute immigrant" to be returned to his country of origin without financial loss to the Colony. Two years is thought to be a sufficient period for which to retain the deposit.

Customs.—Ordinance No. 6 amends the Customs Ordinance, 1881, so as to cause the local law to conform to Imperial policy in regard to territorial waters and the three-mile limit.

Customs Duties.—In Ordinance No. 12 provision is made for the grant of preferential tariff rates to those countries forming part of the British Empire which afford favourable treatment to Fiji produce.

Cinematograph.—Provision is made in Ordinance No. 23 for the appointment by the Governor as censors of not less than three persons. S. 3 of the Ordinance makes it an offence for any person to exhibit any film or any poster or handbill advertising any cinematographic exhibition which has not been approved by the censors.

Sedition.—Ordinance No. 29 provides for the punishment of seditious acts and seditious libel and controls seditious publications and newspapers containing seditious matter. The possession of seditious publications of which the importation is prohibited is made an offence; and provision is made for the suspension by the court of any newspaper having seditious intention for any period not exceeding a year.

Advertisement Regulation.—In order to prevent disfigurement of the landscape, it was felt that some control should be exercised over the exhibition of advertisements in the Colony. Ordinance No. 27 empowers the Governor in Council, or in the municipalities the respective councils, to make regulations for that purpose. The exhibition of liquor advertisements in public vehicles is, in the opinion of the Government, undesirable and is prohibited.

Employment of Women, Young Persons and Children.—Ordinance No. 34 applies to the Colony, in accordance with the Treaty of Versailles, the following International conventions, viz., the convention fixing the minimum age for admission of children to industrial employment, the convention concerning the night work of young persons employed in industry, the convention concerning the night work of women employed in industry and the convention fixing the minimum age for admission of children to employment at sea.

2. WESTERN PACIFIC.

(i) BRITISH SOLOMON ISLANDS PROTECTORATE.

[*Contributed by* C. G. Howell, Esq., *Acting Chief Justice of Fiji and Chief Judicial Commissioner for the Western Pacific.*]

Ten King's Regulations were made by the High Commissioner during the year. The only new legislation was as follows:

Residential Tax.—Regulation No. 5 provides for the imposition and collection of a residential tax of £1 on all persons, between the ages of 18 and 60, resident in the Protectorate, subject to exemptions in the case of lepers, lunatics and persons permanently incapacitated from work by physical disability who are indigent.

Employment of Women, Young Persons and Children.—Regulation No. 10 applies to the Protectorate the conventions adopted at Washington and Genoa respectively relating to the minimum age for the admission of children to industrial employment, the night work of young persons employed in industry, the night work of women employed in industry, and the minimum age for admission of children to employment at sea.

The remaining regulations effected formal or minor amendments of the existing law—probably the most important being:

Plant and Seeds Control.—Regulation No. 3, which empowers the High Commissioner to make rules to prevent the introduction into the Protectorate of diseases of plants and to prevent the spread of or to eradicate diseases to which plants are liable. Powers are taken to control vessels carrying cargoes liable to introduce disease.

Customs.—The Customs Regulations, 1907, is also amended by Regulation No. 9 of 1931, to provide for appeals from assessments of customs duty by customs officials and for the appointment of commissioners of customs.

(ii) GILBERT AND ELLICE ISLANDS COLONY.

[*Contributed by* C. G. Howell, Esq., *Acting Chief Justice of Fiji and Chief Judicial Commissioner for the Western Pacific.*]

Five Ordinances were made by the High Commissioner during the year. The only new legislation was as follows:

Census.—Ordinance No. 19 provides for taking a census of the Colony in the year 1931 on April 26. The Ordinance follows normal practice and calls for no special comment.

Employment of Women, Young Persons and Children.—Ordinance No. 5 applies to the Colony the conventions referred to in the summary of the Solomon Islands legislation.[1]

The remaining ordinances effect minor alterations in existing legislation.

(iii) KINGDOM OF TONGA.

[*Contributed by* J. S. Neill, Esq., *H.B.M.'s Agent and Consul.*]

Coinage.—British and Australian coin are legal tender in Tonga. Act No. 3 prevents export of British silver to exploit the exchange position.

Criminal Offences.—The principal Act imposed minimum sentences for various offences. The amending Act (No. 5) confers a discretionary power upon the court. It also confers on magistrates power to place juvenile offenders on probation.

Disinterment of Bodies and Desecration of Graves.—Cases had occurred of bodies being removed from graves and mutilated. This was possibly an act of vengeance on dead bodies which were felt to be causing sickness to the living. Act No. 6 regulates disinterment and provides penalties against interference with bodies.

Magistrates.—In Tongan law a magistrate could not proceed with a case in the defendant's absence even after service of process was proved. Act No. 7 amends this provision and brings the law into conformity with usual practice.

Public Health.—Act No. 8 confers on the Executive power to make regulations governing slaughter-houses and the inspection and sale of meat for human consumption.

Revenue.—The Customs Act Amendment Act, No. 10, increases the duty on spirits.

The Motor Traffic Amendment Act, No. 11, revises the licence fees payable by motor vehicles.

(iv) NEW HEBRIDES.

[*Contributed by* His Honour G. A. Joy, *Resident Commissioner.*]

1930.

Institution of Court of First Instance.—The Anglo-French Protocol of 1914 envisages the setting up in every administrative district in the New Hebrides of one of these courts. By Joint Regulation No. 1 the court is composed of the British and French agents of the district and one assessor. The nationality of the president and the assessor of the court is determined by the national status of the accused. These courts

[1] See p. 110.

have jurisdiction over all breaches of the Anglo-French Protocol and of regulations made thereunder, except measures dealing with native labour which are exclusively justiciable by the Joint Court. There is an appeal from these courts to the Joint Court, which also has revisionary powers as regards sentences of imprisonment. The purpose of these courts is to accelerate and facilitate enforcement of the provisions of the Protocol and local regulations without long-delayed references to the Joint Court in Vila.

Native Offences Penalties.—Joint Regulation No. 2 provides for the introduction into the Native Code (Joint Regulation No. 6 of 1927) of compensation for the seduction of females.

Under native custom it is customary for the offending male (when detected) to pay compensation to the parents of the unmarried female he has seduced or, if she be married, to the aggrieved husband.

Land Registration.—Art. 25 of the Anglo-French Protocol of 1914 provides for a system of land registration which is based on the Torrens system. When the Joint Court commenced to grant titles to land in the Group it was necessary to organize a department to deal with the issue of titles and the registration of subsequent dealings in immoveable property (Joint Regulation No. 3).

Licences.—This Joint Regulation (No. 4) was enacted to ensure the better collection and assessment of trading licence fees throughout the Group. It provides for assistance to be rendered to the collector by district agents in the collection and assessment of licence fees in the administrative districts.

Enforcement of Court Fees before Delivery of Authentic Title.—The title of this Regulation (No. 5) explains the reason for its enactment. The Joint Court had granted titles to land without exacting fees for judgment and survey in advance. Owing to the financial depression many interested parties do not pay the fees when due. Civil proceedings for the recovery of fees are impracticable, as judgment cannot be suspended because fees remain unpaid. Under this Regulation title-holders cannot deal in their land until the fees are paid.

Wireless Deferred Rate Adoption.—This Regulation (No. 6) was enacted in order to provide a deferred rate on telegrams between the New Hebrides and certain other countries that reciprocated.

1931.

Fines.—Joint Regulation No. 1 was necessitated by the agreement of the Co-Sovereign Governments to alter the old par rate of exchange in the convention from 25 to 124 francs to the pound sterling consequent upon the new rate of stabilization of the French franc. This instrument had the effect of bringing the new rates into effect.

Export of Silver.—This Regulation (No. 3) repeals Joint Regulation No. 1 of 1922 which placed a prohibition on the export of silver coin from the Group over a fixed sum without the permission of the Resident Commissioners. The prolificacy of silver coin has made prohibition unnecessary.

Postal Services Prevention of Fraudulent Practices.—This Regulation (No. 4) was enacted in pursuance of the provisions of the International Postal Convention in order to penalize certain postal frauds.

Dwelling-house Construction and Town Conservancy.—This Regulation (No. 6) was enacted in order to ensure that better sanitary and

housing conditions should prevail within the limits of the town of Vila. It was chiefly aimed at controlling the construction of houses in this area and also the elimination of certain undesirable Asiatic ideas of sanitation.

Motor Vehicles and Cycles Fees.—Regulation No. 9 provides for the licensing, registration and taxation of vehicles and drivers.

Regulation No. 11 was enacted on the grounds that vehicles employed in agricultural, commercial or industrial work benefited the community generally and therefore the owners should not be called upon to pay fees at the same rate as those who used their vehicles exclusively for pleasure.

Medical Organization.—The Joint Administration possesses no medical service paid entirely from Joint funds but utilizes in this respect the services of national medical officers (French and British) and national medical institutions. Medical officers are granted small stipends for carrying out Condominium medical work in addition to their ordinary duties as national medical officers. The Condominium Government accepts a limited liability for the treatment of natives in national hospitals and also makes financial provision for the general medical welfare of the natives in so far as funds will permit. Joint Regulation No. 14 of 1931 was enacted with a view to defining the duties of national medical officers when their services are lent to the Condominium Government and the control and employment of funds provided by the Condominium for medical work.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* A. A. Schoch, Esq., *Senior Law Adviser.*]

In 1931 the Union Parliament passed forty-nine Acts in two sessions, of which the following are of general interest:

Government Industrial Schools.—Act No. 3 provides for improvements in the administration of government industrial schools. It empowers the Minister of Education to appoint boards of management for such schools and, on the recommendation of the Public Service Commission, to lay down all conditions of service of persons employed thereat, except of those who, at the commencement of the Act, were employed in a permanent capacity at such schools and who, within three months after such commencement, notify the said Minister that they wish to continue under their existing conditions of service.

Special Relief to Farmers.—Act No. 4, which has retrospective effect as from January 1, 1931, provides for the constitution of a board under the chairmanship of the managing director of the Land and Agricultural Bank, for the purpose of granting loans (not exceeding £1,000 each), from moneys specially voted by Parliament, to certain farmers who are in financial difficulties but who have prospects of surmounting those difficulties, with financial assistance, and who are able to furnish security for the loans. These loans may not be paid to the borrowers direct but only to their creditors.

The security for a loan is to be in the form of a mortgage on immoveable property or a hypothec on moveables, the latter having the effect of a pledge, although remaining in the possession of the debtor—a new

departure in our law. With a view to speeding up loan transactions and reducing conveyancing costs, special provision is made for the registration of the mortgages and hypothecs in the Deeds Office. If the conditions of a loan are infringed the loan may be called up at any time, and whenever repayment of a loan is overdue the security therefor may be seized and realized without recourse to law. The furnishing of incorrect information for the purpose of obtaining a loan and the unauthorized disposal, concealment or damage of any security by the debtor is made an offence.

Detention of Children in Industrial Schools.—Act No. 9 amends and extends the provisions of the Children's Protection Act, 1913, by providing for a longer detention of certain juveniles in industrial schools and similar institutions, for their recall thereto after having been licensed out therefrom, and for the transfer of the inmates of certain juvenile institutions to other institutions. It also provides that, if the governing body of a specified class of institution ceases to function, its functions shall devolve upon the Minister of Education, who is further empowered to admit to industrial schools pupils from certain other schools, although not committed to such industrial schools.

Control of Flour Importation.—Act No. 14, which covers only a few lines, empowers the Minister of Finance to prohibit entirely, or to control or to regulate, the importation into the Union of wheaten flour or meal. It is in effect an amplification of Act No. 10 of 1930, which conferred similar powers on the said Minister in regard to the importation of wheat.

Rhodes Trust.—Act No. 16 is a private Act which establishes the Rhodes Trust (consisting of the trustees under the will of Cecil Rhodes) as a body corporate and vests in the trust certain properties in Rhodes's estate. It provides for the resignation and appointment of trustees, and registration, without payment of transfer or stamp duty, of all immoveable property belonging to the said estate, in the name of the Trust.

Appeals from Rhodesia.—Before Act No. 18 came into operation the Appellate Division of the Supreme Court of South Africa had, by virtue of the provisions of ss. 7 and 8 of Act No. 22 of 1898 (Cape) and a provision in s. 103 of the South Africa Act, 1909, jurisdiction to hear appeals from the High Court of Southern Rhodesia. The Act under consideration repeals those provisions and re-enacts them with certain modifications, giving a right of appeal from the said High Court to the said Appellate Division, very similar to the right of appeal from a provincial or local division of the Supreme Court of South Africa to the said Appellate Division.

Women Jurors.—Act No. 20 amends a subsection of the Criminal Procedure and Evidence Act, 1917, pursuant to the extension of the franchise to women, in 1930, so as to make it quite clear that women are not, under the last-mentioned Act, entitled and obliged to serve as jurors. But the Act under consideration empowers any woman who would be qualified to be enrolled as a juror if she were a man to be enrolled as a juror upon her special application, and it provides for the trial of women and juveniles on their application, before a jury of women only, instead of men, if sufficient women jurors are available.

State-aided Institutions.—Act No. 23 empowers the Minister of the Interior to apply its provisions to any library, museum, art gallery, zoological or botanical gardens or similar institutions (other than the museum and public library at Cape Town and the museum at Pieter-

maritzburg) which receives a grant-in-aid from moneys voted by Parliament. The Act provides for incorporation of the institutions to which it applies, and for the appointment, procedure and functions of governing bodies of such institutions. The said Minister is further empowered to place under the care and management of such a body any object bequeathed or donated to the Government or the Union (unless this would be in conflict with the terms of the bequest or donation) and to make regulations for various matters relating to such institutions. Lastly, the Act provides for the establishment of pension or provident funds for the benefit of employees of the institutions in question and validates the establishment of the pension or provident fund of the museum at Pietermaritzburg and of the zoological gardens at Pretoria.

Sale of Petrol.—Act No. 24 prohibits petrol wholesalers from compelling retailers to sell petrol at a prescribed price or to refrain from purchasing petrol from a particular source or to limit their sales. It further compels petrol wholesalers to sell petrol on the most favourable terms to any trader who is able to pay. The provisions of the Act may be applied by the Governor-General to any contrivances used in the distribution of petrol, to motor requisites, to bread, meat, fish and coal, and if authorized by resolution of Parliament to any other commodity.

Control of the Expenditure of Higher Educational Institutions.—Act No. 27 compels the universities and certain colleges to submit annually to the Minister of Education an estimate of their revenue and expenditure, which shall be subject to the Minister's approval except in the case of an institution which has for three consecutive years not received or budgeted for a contribution from State Funds exceeding 50 per cent. of its total revenue. The Act prohibits the establishment by any such institution of any faculty, department, professorship or lectureship not specially authorized by law, or any expenditure not provided for on the estimates of expenditure referred to above, unless the Minister approves thereof in writing. The Act further empowers the Minister to make regulations dealing with various subjects and to determine the amount of the State subsidy which, in his opinion, each institution requires.

Censorship of Entertainments.—In its first chapter Act No. 28 prohibits the exhibition in public of any cinematograph film or film advertisement unless it has been approved by a board of censors appointed by the Minister of the Interior, on payment of a prescribed fee, subject to an appeal to the Minister if the censors refuse to approve of a film or advertisement, and lays down what particular films may not be approved of by the censors. In its second chapter the Act empowers the Minister to prohibit an entertainment or the publication of a picture unless it has been declared, by the above-mentioned censors, to be unobjectionable from certain specified points of view. In a third chapter the Act provides for free admission of certain specified persons to public entertainments or exhibition of cinematograph films.

Workmen's Compensation.—Act No. 29 amends a paragraph in the Workmen's Compensation Act, 1914, to enable a workman to recover compensation under the Act, as well as damages, subject to an obligation on his part to credit the person liable for compensation with any part of the damages recovered up to the amount of such compensation.

Immunity of State Property from Rating.—Act No. 32 exempts state-owned property (other than railway property) from local authority rates, but empowers the Minister of Finance to pay, if he thinks fit, such

rates on state-owned property which is let. It further provides for the payment during four consecutive years of an annually decreasing sum in lieu of the rates formerly due to local authorities in respect of state-owned property.

Old Age Pensions.—Act No. 34 reduces the amount of pension payable under the Old Age Pensions Act, 1928, empowers the Commissioner of Pensions to discontinue, reduce or increase a pension if the circumstances of a pensioner call therefor, empowers the Minister of Finance to appoint local committees for the purpose of advising and assisting in the investigation of any matters which may have a bearing upon an application for a pension or upon a pension, and effects various other amendments in the Old Age Pensions Act.

Electoral Laws.—Act No. 35 amends, repeals or supersedes numerous provisions of Acts Nos. 12 of 1918, 11 of 1926 and 24 of 1928. Only two of the amending provisions introduce entirely new principles, viz. ss. 11 and 18. S. 11 provides that where there has been lodged with the registering or revising officer for an electoral division in the Cape Province or Natal an objection in writing to the enrolment of any person as a voter on the ground of alleged lack of qualifications based upon the occupation, possession or lease of immoveable property, or the receipt of a certain income, salary or wages or the ability to write out certain specified particulars, the person objected to shall be enrolled only if he appears and establishes his claim for enrolment. S. 18 was passed as a result of the enfranchisement of women. It provides that the Minister of the Interior may direct that two polling stations be established in any particular locality where there would otherwise be only one, viz. the one for male voters only and the other for female voters only.

Compulsory Export of Maize.—Act No. 39 empowers the Minister of Agriculture to prohibit, control or regulate the importation of maize or certain maize products into the Union, and requires certain persons to hold maize traders' licences to be issued under this Act. The Act further empowers the said Minister to fix a certain percentage or export quota for every period of twelve months ending on May 31. Every person who, on May 26, 1931, had in stock 500 or more bags of maize for purposes of trade, and every person who, between May 26 and the commencement of the Act, purchased or received in the course of trade 500 or more bags of maize, and every person who after the commencement of the Act purchased or otherwise received in the course of trade in any one calendar month from a producer such a quantity of maize or maize products, is required to hold available for export and eventually to export within twelve months, or such other period as the said Minister may determine, a percentage of such maize or maize products equal to the export quota percentage fixed by the said Minister as aforesaid. Any person who, before May 26, 1931, had contracted to supply certain maize, is empowered to cancel the contract within fourteen days after the commencement of the Act. The Act further provides for entry upon premises and inspection of records of maize traders with a view to detecting evasions of the Act, and also provides for certain criminal sanction.

Extension of the Franchise.—Act No. 41 extends the franchise to every white male person over the age of twenty-one years who is a Union national, unless he has been convicted of certain offences, or within a specified period convicted of any offence and sentenced to imprisonment without the option of a fine. The Act effects a small amendment in the

Women's Enfranchisement Act, 1930, to bring it verbally into line with the Act under consideration, and repeals various divergent provisions relating to disqualifications of voters in the relevant laws of the four Provinces.

Stamp Duties.—Act No. 42 amends and amplifies the Stamp Duties and Fees Act, 1911. *Inter alia*, it provides for the payment of stamp duty in cash without attachment of stamps to the document in question in cases where a large number of stamps would otherwise have to be attached, and in order to prevent evasion of payment of stamp duty on promissory notes it provides that the stamps on promissory notes executed in the Union after July 1, 1931, must be defaced by a revenue officer, postmaster or justice of the peace, and notes executed before that date must before August 11, 1931, be produced to a revenue officer for validation. The Act also increases the stamp duty on cheques and on receipts for any amount exceeding £5 from 1 penny to 2 pence.

Financial Adjustments.—The so-called Financial Adjustments Act (No. 45) deals, *inter alia*, with the following matters: 1. It empowers provincial councils to increase or reduce the fees payable for liquor licences. 2. It empowers the Commissioner of Police to pay a reward to any person upon whose information precious metal or any precious stone or any money paid in respect of illicit purchase thereof is seized under any law relating to illicit dealing in precious metal or precious stones. 3. It provides for the annual compounding of the interest due on deposits in the Guardians Fund. 4. It provides for the deduction from any sum due under the Public Service and Pensions Act, 1923, to a discharged officer, of the amount of any loss sustained by the State through the officer's dishonesty. 5. It provides for the abolition of agricultural loan companies established under the Agricultural Credit Act, 1926, for the transfer of their assets and functions to the Land and Agricultural Bank, and for the repeal, upon a date to be fixed by the Governor-General, of various provisions of Act No. 40 of 1926 relating to agricultural loan companies. 6. It provides that no further benefits shall be awarded in respect of disablement resulting from military service during the rebellion of 1914 or the Great War unless application therefor was made on or before March 31, 1932.

Financial Emergency Regulations.—Act No. 48, which came into operation on November 30, 1931, is worded so as to lapse automatically on June 30, 1932, unless kept in force till a later date fixed by resolution of both Houses of Parliament. It empowers the Governor-General to make regulations in regard to any matter relating to currency, banking or exchanges. Such regulations have the effect of suspending any other conflicting law, but they automatically lapse on June 30, 1932, unless the duration of the Act itself is extended by resolution as aforesaid. The Act was passed to enable the Government to deal with the extraordinary conditions in the world's finances which arose during the last quarter of 1931.

Export Subsidies.—Act No. 49 provides for a levy, on most goods imported into the Union, of a special customs duty or primage of 5 per cent. *ad valorem* to defray the export subsidy of 10 per cent. (or in certain cases 15 per cent.) *ad valorem* on certain goods produced in the Union, for which the Act also makes provision.

Those provisions were enacted to compensate the producers of certain commodities in the Union to a certain extent for the fall in the prices

of those commodities in countries whose currency has depreciated in comparison with the currency of the Union.

This Act further amends the Customs Tariff and Excise Duties Amendment Act, 1925, to enable the Government to cope more satisfactorily with dumping in the Union of goods exported from a country with a depreciated currency.

Acts Nos. 48 and 49 were passed during a short special session of Parliament held in November 1931.

The other Acts not referred to above which were passed in 1931 all contain short amendments of existing laws or financial provisions of a more or less temporary nature.

2. CAPE OF GOOD HOPE.

[*Contributed by* H. A. FAGAN, ESQ.]

1930.

Aerodromes.—Ordinance No. 4 empowers municipalities, subject to the consent of the Administrator, to establish and maintain aerodromes within or without their boundaries, and to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes.

Shop Hours.—The law relating to shop hours and the hours of employment of shop assistants is amended by Ordinance No. 14.

Every shopkeeper is obliged, on pain of a fine not exceeding £25 for a first conviction and £50 for a second or subsequent conviction, to close his shop at 1 p.m. on days designated as half-holidays. The Ordinance fixes Saturday as the weekly half-holiday in a number of the larger towns. In the smaller towns and villages it is obligatory on the municipalities or governing boards to fix a weekly half-holiday, while outside the areas of municipalities, village management boards or local boards the divisional councils concerned have the power (but are not obliged) to specify one day of the week as the weekly half-holiday.

"Shop" means any place set apart temporarily or permanently for the sale of moveables by retail or wholesale, and whether by auction or not, and includes a hairdresser's or barber's saloon, a café and refreshment room, a daily retail public market, and a bottle store, but does not include any municipal wholesale market or any hotel or bar where intoxicating liquors are sold for consumption on the premises, or factory as defined by the Factories Act, 1918.

Barbers' shops have an extra hour (till 2 p.m.) to be open for haircutting and shaving only.

It is unlawful, and punishable by the fines mentioned above, for a shopkeeper to do or permit any act whereby any employee is or may be deprived of the half-holiday; provided, however, that 30 minutes shall be allowed for any assistant to serve any customer who enters the shop before the closing hour; and provided further that for the purpose of stocktaking or other special work it shall be lawful for the employer to agree with an employee to work after the closing hour on condition that he be given another half-holiday within seven days.

Shops may be kept open on half-holidays between 6 p.m., and 9 p.m., for the sale of newspapers and periodicals only.

The provisions requiring shops to be closed on half-holidays do not apply in any week in December in which a public holiday occurs.

In areas where there is no weekly half-holiday, the employer is to assign to each shop assistant a half-holiday on at least one day in each week, except in a week in the month of December when a public holiday occurs.

The second part of the Ordinance deals with hours of opening and closing of shops. Such hours may be fixed for all shops or for specified classes of shops by local authorities, but are not to be earlier than 5 or later than 8 o'clock in the morning for opening, nor earlier than 6 or later than 9 o'clock in the evening for closing.

Part III contains further provisions with regard to the hours of work of shop assistants, *i.e.* persons "employed by any other person in or about a shop," not including "a person employed solely as a manager with one or more assistants under him, or as a department manager, timekeeper or caretaker, or any person employed solely for cleaning purposes, packing, receiving or delivery of goods, or for the prevention of fire, or as a traveller, shipping clerk or member of the counting house staff or the directorate."

Subject to certain exceptions, and certain further rules regarding intervals for meals, the maximum hours of employment for shop assistants, members of the counting house staff of a shop and shipping clerks are 52 hours, excluding mealtimes, in any one week, and 9 hours, excluding mealtimes, in any one day, except one day a week, when the employment may be for eleven hours.

No female assistant under the age of 16 years may be employed in or about a shop after 5 p.m. in winter or after 6 p.m. in summer.

The Ordinance provides for the keeping of attendance registers and the appointment of shop inspectors.

For each year of continuous service under the same employer, an employee is entitled to leave of absence for twelve clear working days on full pay.

Chemists' and druggists' shops fall under certain special provisions regarding opening and closing hours.

On Sundays the sale is allowed of (*a*) newspapers published in the Union, and flowers and floral decorations or other articles required for funeral purposes; (*b*) petrol, motor accessories and fodder to any *bona fide* traveller; (*c*) refreshments, fruit, confectionery and ice upon written permission of the local authority; and also, for one fixed hour in the morning and one fixed hour in the evening, chemists' and druggists' shops may on Sundays be open for the sale of medicines and medical and surgical appliances.

On Christmas eve and New Year's eve the closing hour is 11 p.m.

Education.—Ordinance No. 17 extends free education (which by Ordinance No. 5 of 1921 ceased when a pupil passed the sixth standard) in public undenominational schools to pupils who have passed the sixth standard but have not attained the age of 15 years.

The Ordinance also makes provision for the granting of financial assistance out of the Provincial treasury to school boarding establishments for indigent European children, and for assistance in the way of bursaries to coloured pupils and student-teachers.

Licensing of Trades and Businesses.—Ordinance No. 19 consolidates the law relating to the licensing of trades and businesses. For the issue of the following licences the leave of the local authority within whose area of jurisdiction the proposed business is to be carried on is required: baker,

butcher, eating-house keeper, fresh produce dealer, general dealer, hawker, pedlar, restaurant, refreshment or tea room keeper. The Ordinance contains certain rules for the application for and granting of certificates for these licences, and requires, *inter alia*, a report from a health officer on the suitability of the premises concerned and a report from the senior police officer on the character of the applicant.

1931.

Education.—Ordinance No. 9 contains elaborate provisions with regard to the pensions of European teachers. Then follow some miscellaneous provisions, including a section which empowers the Superintendent-General to give aid to farm schools for coloured pupils under certain conditions, and one which fixes the maximum age of primary school pupils at 18 years, unless special permission is obtained from the Superintendent-General for admitting or retaining a pupil above that age.

Shop Hours.—Ordinance No. 21 makes certain amendments to the Shop Hours Ordinance of the previous year, mainly allowing trade within certain hours on public holidays by bakers, butchers, dairymen and fishmongers.

Miscellaneous.—There was an Ordinance dealing with nurses' pensions and one dealing with teachers' pensions. These, as well as a number of amending and financial Ordinances and Ordinances limited in their application to certain specific municipalities, are not of general interest.

3. NATAL.

[*Contributed by the* Hon. Mr. Justice Lansdown.]

The legislation for the calendar year 1931 of the Provincial Council of the Province of Natal, Union of South Africa, is comprised in seventeen Ordinances.

Pensions.—Special benefits by way of retiring gratuities are awarded by Ordinance No. 2 to certain teachers in the service of the Provincial Administration, and by the same measure certain concessions in connexion with service for pension purposes are made to some other servants of the Administration.

Taxation.—Ordinance No. 17 amends the Personal, Income and Company Taxes Ordinance, 1928. The tax upon the income of every person resident in the Province liable for income-tax is increased from 7½ to 10 per cent., and the area of exemption from the personal and income-taxes is extended so as to include any person who was of the age of 60 or over during any part of the year of assessment, and who is not liable for Union income-tax, and further so as to enable the Revenue Officer, with the approval of the Administrator, to grant exemption from liability in other cases where he is satisfied that such exemption is warranted on the ground of poverty. By s. 5 the Revenue Officer is empowered to advise an employer of the default of his employee in paying the personal or income-tax, whereupon the employer is to become liable for the tax, but to have the right of deducting the amount paid by him from any sum due or to become due by him to the employee.

Education.—By Ordinance No. 12 the Administrator, acting on the advice of the Executive Committee, is empowered to grant free secondary education, including free school books, to any pupil in necessitous circumstances who has passed the sixth standard. The concession is to

cease in the case of any pupil at the end of the year in which he reaches the age of 15.

Game Laws.—The export duty imposed by Act No. 33 of 1909 upon the export of the horns, hides or skins of certain wild animals is by Ordinance No. 4 remitted in respect of buffalo, rietbok, zebra, quagga, Burchell's zebra, and gnu or wildebeest.

Shop Hours.—Ordinance No. 6 permits the extension of the working hours of shop assistants: (*a*) on days other than Sundays and public holidays for not more than three hours in any one day for the purpose of stocktaking or other special and necessary work which cannot be done during the usual hours, provided that the number of days on which hours are extended for such purpose do not in any one calendar year exceed twenty-one; and (*b*) on any day when urgent work must be done owing to building operations or to an emergency such as accident, breakdown of machinery, storm, fire and the like.

Local Government.—Ordinance No. 3 provides for legal succession in cases where the jurisdiction of a local authority is transferred to another authority. Where only part of an area is transferred to another authority an apportionment of rights and obligations is to be made, and the Administrator is given authority to decide, as between the local authorities concerned, any question arising in this connexion.

By Ordinance No. 5 an alteration is made in the calendar month for which property qualification must be held to entitle a person to registration as a township voter, and certain consequential validations of township voters' rolls are effected.

Ordinance No. 7 provides for the division of local urban areas into wards not more than five in number and extends the authority of such boards in certain directions. These boards are further vested with the control of public roads (*i.e.* roads or thoroughfares to which the public have a common right) within their areas; but their authority is excluded from main roads (*i.e.* roads maintained by the Provincial Administration) in so far as the lay-out, construction, maintenance and repair of, and incidental work upon, such main roads is undertaken by the Provincial Roads Department. No permanent work, or work involving the stoppage or diversion of traffic, is to be begun upon a main road without the consent of the Engineer-Superintendent of Roads and in such manner as he may approve.

Loan powers or additional loan powers are by Ordinances Nos. 9, 10, 13, 14, 15 and 16 conferred upon certain local authorities, and the powers of certain of these authorities are extended in certain directions.

Ordinance No. 16 authorizes, *inter alia*, the extension of the boundaries of the borough of Durban so as to include certain adjoining areas previously under the jurisdiction of health boards which, in consequence of the amalgamation, the Ordinance dissolves.

4. ORANGE FREE STATE.

1931.

[*Contributed by* H. Pring, Esq.]

Eighteen Ordinances were passed by the Provincial Council of the Orange Free State during the calendar year 1931, four of which were Appropriation Ordinances. The following summarizes the more important matters dealt with:

Betting.—Ordinance No. 4 provides for the control and taxation of betting and for the licensing of betting rooms and bookmakers.

Dogs.—Ordinance No. 13 amends the Dogs Ordinance (No. 7 of 1921) by shortening the period hitherto allowed to dog owners within which to pay the dog tax, so as to make the date of payment coincide with the date on which the wheel tax falls due.

Entertainment Tax and Licensing.—Ordinance No. 7 provides for the amendment of the Entertainment Tax and Licensing Consolidation Ordinance (No. 9 of 1927) by (*a*) substituting a more satisfactory method of taxing restaurants, tea-rooms, etc., where musical and other entertainments are given either regularly or occasionally, and (*b*) making clear the position with regard to the giving of entertainments on Christmas Day and Good Friday with regard to which considerable doubt existed. Under the amended provisions licences cannot be granted for any entertainment to be given on either of the days mentioned without the special consent of the Administrator.

Game Protection.—Ordinance No. 14 of 1921 provided that where any game are preserved or tamed on any land which is fenced and such game break or stray through any such fence, no hunting of the said game is allowed for a period of twenty-four hours.

The owner of the game must within a similar period notify the owner or occupier of the adjoining land that the game have so broken through or strayed. Ordinance No. 9 extends the period in each case to seventy-two hours.

Licences.—Ordinance No. 8 amends the Licences Consolidation Ordinance (No. 15 of 1921) to provide that the employees of a duly licensed and certificated hawker may obtain licences to hawk their employer's wares without the formality of obtaining a certificate from the Licence Certificate Board.

Local Government.—Ordinance No. 6 amends the Local Government Consolidation Ordinance (No. 11 of 1925) (*a*) to make provision for the cancellation of a poll when, by resignation or from any other cause, the number of candidates is reduced to the number of vacancies between the date of nomination and the holding of the poll; (*b*) to forbid a Town Council, when calling for applications for a vacant post, to ask applicants to state the lowest sum they are prepared to work for—or, when a salary is stated by the Council, to accept an application from any person who offers his services at a lower remuneration; (*c*) to amend the existing s. 104 to the extent of making it compulsory for the Council to publish the lists of rates in arrear during the month of April in each year; (*d*) to give to municipalities certain powers with regard to the erection, carrying on, etc., of school hostels in order to enable them to avail themselves of loan moneys made available for the purpose of erecting school hostels by the new Education Ordinance; (*e*) to give power to municipalities to restrict the sale within municipal areas of the meat of animals that have not been killed in the local abattoir, to sales *on* the market and by *bona fide* farmers; (*f*) to amend the definition "registered owner" in order to ensure that the rates may be collected from any person who has obtained ground from a local authority on the hire purchase system and also from any person who, having acquired fixed property from a local authority, deliberately refrains from having it registered in his name in order to escape his municipal obligations.

Ordinance No. 15 (*a*) enables a Town Council to promulgate regula-

tions in respect of public parks, pleasure and recreation grounds which are municipal property but which lie outside the proclaimed area of the municipality, and (*b*) prevents undue advantage being taken by speculators of the privilege granted to *bona fide* farmers by s. 145 (2) (*a*) of Ordinance No. 11 of 1925 and the consequent flooding of the market with carcasses of animals which have not been slaughtered at the municipal abattoir.

Motor Vehicles.—Ordinance No. 18 provides for the registration of motor vehicles and the licensing of the owners of motor vehicles and trailers, the licensing of motor-vehicle drivers, the regulation of public service motor vehicles and the licensing of the drivers thereof, the regulation of traffic in certain respects, and generally in regard to other matters relating to the use of motor vehicles.

The Ordinance is based upon a model draft Ordinance drawn up by an Inter-Provincial Committee which met to discuss the question of uniform legislation regarding motor vehicles.

Pounds.—Ordinance No. 11 amends the Pound Consolidation Ordinance (No. 5 of 1929) (*a*) to enable pound masters to refuse to receive badly injured or worthless animals into their pounds and to provide for the destruction of such animals found straying on farms—the landowner being compelled to report the presence on his farm of such animals to the nearest police post—and (*b*) by authorizing a reduction in the minimum charges made for trespass and driving fees in the case of small stock.

Road Boards.—The Road Boards Consolidation Ordinance No. 14 consolidates and amends the law relating to District Road Boards and Special Road Boards.

Roads.—Ordinance No. 16 of 1931 amends the Roads Ordinance (No. 6 of 1912) (*a*) by extending the area of the farms exempted under s. 23 of Ordinance No. 6 of 1912 from 100 to 300 morgen, reducing the area of every outspan to 15 morgen in the case of a farm on which a township has been established and to 5 morgen on every other farm and by providing for the setting apart (if required) of 1 morgen of each such reduced outspan area for the sole use of the Roads Branch of the Provincial Administration; (*b*) by providing for a minimum width of all outspans on main and district roads and for the registration of such outspans by the Superintendent of Roads and prescribing the procedure in cases of dispute as to the site of an outspan; (*c*) by making provision for the watering of trekking stock at natural water supplies on farms subject to a right of outspan, when such supplies can be reached by means of a public road, and forbidding the watering of such stock at artificial sources (dams, wells, etc.) unless with the consent of the owner; (*d*) by providing in certain circumstances for the cancellation of outspans.

Shop Hours and Half-holidays.—Ordinance No. 10 amends the Shop Hours and Half-holiday Ordinance (No. 6 of 1925) to enable a licensed hawker to hawk on a public holiday any goods which may lawfully be sold on such holiday in a shop licensed to sell such goods.

Wheel Tax.—Ordinance No. 17 consolidates and amends the existing Ordinances providing for the imposition of a wheel tax on vehicles and bicycles. This was necessary owing to the passing of the Motor Vehicle Ordinance (No. 18) in terms of which the tax on motor vehicles becomes an annual licence fee in respect of such vehicles.

5. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ.]

Ordinances passed—22.

Local Government.—Ordinance No. 5 gives the Town and Town Council of Pretoria, the administrative capital of the Union, the designation of City and City Council respectively.

Ordinance No. 16 amends the principal Ordinance (11 of 1926) in the following respects: (*a*) s. 67 is amended by providing that the name of any public place in any municipality may not be changed except with the consent of the Administrator after reference to the Surveyor-General; (*b*) s. 1 (2), by authorizing local authorities to provide at their own expense and free of charge for the transport, on medical certificate, of a resident sick indigent person, or free patient, in need of such transport, to the nearest hospital, to which admission has been ordered by a magistrate, or approved by the management of such hospital.

S. 1 of Ordinance No. 20 amends the definition of "public place" in s. 2 of the principal Ordinance to include "for the purposes of by-laws regulating traffic under this Ordinance, any road, place or thoroughfare, however created, which is in the undisturbed use of the public or which the public have the right to use."

S. 2 empowers the Council under by-laws duly made to (*a*) appoint stands in public places for pedlars of flowers and fruit, or abolish, enlarge or diminish the same, and fix the number of occupiers thereof; (*b*) fix charges, or vary same, and fix conditions and times of occupation; (*c*) fix by priority of application, lot, tender or otherwise, the positions on such stands; (*d*) make rules; (*e*) provide the form of authority for occupation thereof, conditions of issue and transfer, fees for transfer, and prohibit occupation by any non-authorized person.

S. 3 extends the by-law powers granted under s. 80(75) to include "testing taximeters and making charges therefor."

S. 4 excludes the powers of transport of sick persons given by Ordinance No. 16, s. 1(2) *supra*, from village councils.

Township and Town-planning.—Ordinance No. 11 amends the laws relating to the establishment of townships and provides in c. IV for the first time in the history of the Transvaal Province a legislative basis to secure town-planning.

The new Ordinance repeals (with the exception of ss. 11 and 13) the former principal Act No. 33 of 1907, and sets up in c. II a new Townships Board which is to be "deemed to be the successor of the Board constituted under the Act of 1907."

It is to consist of the Surveyor-General, or his deputy, as Chairman, the Registrar of Deeds and the Registrar of Mining Titles as *ex officio* members; an officer of the Provincial Administration; "and not more than five other persons who shall be selected and appointed by the Administrator, on the ground of possessing qualifications necessary for, or serviceable in connexion with town-planning."

C. III provides for the establishment of townships and enacts that after April 1, 1932, no township shall be established except in accordance with the provisions hereof or of the Townships Amendment Act (Transvaal) No. 34 of 1908 (of which ss. 2, 6 and 7 are hereby repealed); and provides the procedure to be followed in applying for establishment of a township.

Where the proposed township is within, or within five miles of, a municipality, the Board's duty is to transmit a copy of the application to the local authority concerned, which in turn is empowered to make representations in writing thereanent to the Board.

The Board then recommends to the Administrator that the application be granted, with or without conditions, or its refusal, or postponement of a decision thereon in whole or in part.

The Board in submitting its recommendation is required by s. 15 to report specially, *inter alia*, on the following matters: (*a*) suitability of site as to area, position, water, soil, aspect, contour, climatic conditions, availability of building material, accessibility from railways and through roads; (*b*) suitability of the lay-out in respect of sewerage, drainage, traffic requirements, æsthetic considerations, and social amenities; (*c*) provision and reservation of land for government and municipal purposes, and for the general benefit of the inhabitants; (*d*) allocation of areas or zones within the township for residential, commercial, industrial or other purposes, and the regulation of sales of erven (lots) therein; (*e*) regulation of buildings, particularly as to the number on an erf, maximum area of an erf to be built upon; open spaces in and about buildings, position of buildings on each erf in relation to any street or other buildings, and their character, height and harmony in design; (*f*) the endowment, if any, which shall be made to, or in trust for, the local authority present or prospective, and the form thereof.

The Administrator may then grant, subject to modifications, refuse or postpone a decision on the application. But he may not modify conditions recommended by the Board or grant an application the refusal of which the Board has recommended, without further reference to the Board.

On approval of the plans and diagrams by the Surveyor-General and lodging of plans and title-deeds for endorsement or registration, the Administrator shall by Proclamation declare the township to be an approved township, setting forth in a schedule the conditions to which the application is to be subject.

Should any of the by-laws of a local authority wherein such township is situate be in conflict with the township conditions, such by-laws shall be of no effect in so far as such conflict is concerned.

C. IV (Town-planning) is made applicable to the eight Rand municipalities, to Pretoria and Potchefstroom, and by s. 31, and subject to the procedure there laid down, the Administrator may extend its application to any other municipality. By s. 33 every town or city council as aforesaid is obliged, within three years from the date of publication of regulations under this Ordinance, or such extended period as the Administrator may allow, to prepare and submit to him a "town-planning scheme" in respect of all land situate within its jurisdiction, which "shall have for its general purpose a co-ordinated and harmonious development in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy."

Local authorities are empowered to appoint for the purpose of the scheme a "town-planning committee" (who need not be members of the local authority) and may confer thereon its town-planning powers. They may also prepare a scheme jointly with an adjacent authority.

The scheme must give due consideration to certain matters set out in the schedule, of which the principal are set out above in s. 15.

The scheme after due advertisement is submitted to the Board, and provision is made for objectors, and the hearing of objections. The Board may then recommend the scheme for approval to the Administrator, subject to any modifications which it may require from the local authority. If the scheme includes proclaimed land or land held under mining title, the approval of the Minister of Mines must first be obtained; provided that his non-approval is not to prevent the completion of the scheme as to the remaining area.

The Administrator may approve the scheme with such modifications (after reference to the Board) as he deems fit, and his approval is then notified by Proclamation, and copies lodged with the Surveyor-General and Registrar of Deeds. Provision is made by s. 46 for modification thereafter, after consultation with the Board, or for elaboration of any approved scheme, or for its enlargement if manifestly inadequate, for modification in detail, or even for substitution of a new scheme.

By s. 49 any person injuriously affected by the operation of a scheme shall, subject to the provisions and limitations thereof, be entitled to claim compensation from the local authority for loss or damage.

In the absence of agreement the issue of compensation and the amount of basis thereof is to be determined under s. 50 by a Compensation Court (as constituted by s. 51).

The cost of a scheme is to be met from revenue or from loan funds raised under s. 51 of the Local Government Ordinance No. 11 of 1926, or Ordinance No. 3 of 1903 (Transvaal), or partly from revenue and partly from loan. A Town-planning Adviser may be appointed by the Administrator.

Motor Vehicles.—By Ordinance No. 17 provision is made for the registration of motor vehicles, licensing of the owners thereof and trailers, licensing of motor-vehicle drivers, regulation of public-service motor vehicles and the licensing of drivers thereof, and the regulation of traffic in certain respects. This Ordinance is a consolidating Ordinance and repeals previous legislation on the same topic.

It excludes from the definition of motor vehicle: (*a*) any vehicle running on rails, or adapted for use upon roads without rails, if its motive power is derived from overhead wires, or transmitted from some external source, if such vehicle is the property of a local authority or is run under statutory authority; (*b*) a steam, electrical or motor roller; (*c*) a fire-engine; (*d*) vehicles propelled by mechanical power if specially designed and constructed for the use of persons suffering from physical defect or disability and used solely by such persons; (*e*) an ambulance, and such other vehicles as the Administrator may by proclamation declare are not motor vehicles for the purposes hereof.

"Motor Vehicle" means any vehicle propelled by mechanical or electrical power and used to convey persons or goods, and any tractor similarly propelled, and any other vehicle of a class prescribed by regulation to be a motor vehicle.

"Motor-car" means a motor vehicle (other than a motor-cycle) designed solely or principally for the carriage of persons not exceeding seven in number; "Motor-cycle" means a motor vehicle having less than four wheels; "Motor-omnibus" means a motor vehicle designed solely or principally for the carriage of persons exceeding seven in number.

The annual licence fees for motor vehicles other than motor-cycles is now based on weight (and not, as formerly, on horse-power and weight,

over and above a basic charge). "Weight" means weight of the vehicle without passengers or load, but including lubricants, buffers, accessories and tools usually carried. The fee begins at £4 between 1,500 and 3,000 lb. weight; and over 3,000 lb. weight, at £7.

Trailers fitted with rubber tyres or similar wheels and used on public roads for business purposes must pay £10; trailers with metal tyres, £25; trailers with rubber tyres and used as an attachment to a motor-car, £1.

No driver may obtain a licence to drive unless he has first obtained a certificate of competence from the authority appointed by the Administrator or local authority as the case may be; can read and write either official language; has a good knowledge of the rules of the road; is of the age of 16 in the case of a motor-cycle, and 17 in the case of any other motor vehicle; is not otherwise disqualified or under suspension; and not suffering from any defect which in the opinion of the examiner would render him incapable of effectively driving and controlling a motor vehicle without endangering public safety.

This licence does not require renewal, and the fee is 5*s*. for a motor-cycle, and 10*s*. for any other motor vehicle.

Holders of current licences (drivers or owners) granted in any outside territory (as defined) are entitled to use same in the Transvaal for periods not exceeding three months, or if there on business, for periods not exceeding in all six months, in any calendar year. An owner of a registration certificate and licence issued elsewhere, who changes his residence permanently to this Province, need not register again or obtain a licence until after December 31 of the year of change, or until after the expiry of such certificate or licence, whichever be the earlier; provided he has them endorsed by the local registering authority within seven days of his arrival, and, if required, furnishes a sworn declaration that he has so changed his residence.

Licences may be endorsed, suspended or cancelled on conviction under this Ordinance (*i.e.* for other than first or second offences in regard to speed limit). An endorsement is cancelled *ipso facto* after three years, provided no other endorsement be made in that period. Where a person, when convicted, has no licence to drive, the court may disqualify him from obtaining a licence for a period.

It is an offence to apply for or obtain a licence whilst under disqualification or endorsement.

Whenever, owing to the presence of a motor vehicle upon or near a public road, an accident occurs, causing damage or injury: (*a*) to any person; (*b*) to any animal drawing a vehicle or carrying or being led by a person; or (*c*) to any vehicle—the driver of the former must stop, and if required give his and the owner's name and address, and his car's mark and number; in case of injury to render all practicable assistance and to report to the nearest police station.

Speed limits are regulated and fixed according to weight, type of car and tyre, whether with or without trailers.

Only in the case of motor-cars and cycles fitted with pneumatic tyres, not drawing trailers, and constructed to carry not more than eight persons in addition to the driver, is no limit fixed. For the rest the limit varies from 35 m.p.h. to 5.

The definition of "reckless driving" laid down in Ordinance No. 6 of 1929 is adopted with slight amendments.

C. IV regulates public-service motor vehicles, *i.e.* motor vehicles

ordinarily used for carrying passengers or goods or both, for hire or reward (other than tram-cars and motor vehicles belonging to the Government of the Union or the Provincial Administration or to a local authority), and the licensing of drivers thereof.

No such vehicles may be put in use without a certificate of fitness (issued by duly appointed officers) which, unless previously revoked or cancelled, continues in force for a calendar year, or such shorter period, not being less than six months, as may be specified.

Drivers of such vehicles must be over 21 to obtain a licence.

The driver of a public-service motor vehicle whilst carrying passengers shall upon approaching any prescribed railway level crossing where there is no signalman or barrier bring his vehicle to a dead stop and may not cross until he has ascertained it is safe to do so.

C. V provides for the apportionment of fees and fines received under this Ordinance or under s. 17(2) of the Motor Carrier Transportation Act, 1930, as between the Provincial Administration and the local authority.

C. VI empowers the Administrator to make motor-traffic regulations, including the power to prohibit motor traffic either absolutely or conditionally on any specified public road; and similar by-law powers are given to local authorities within their jurisdiction.

Such regulations and by-laws shall bind the Crown.

Public Hospitals.—Ordinance No. 22 amends the principal law, *i.e.* the Public Hospitals Ordinance No. 18 of 1928 as amended by No. 7 of 1929 and No. 19 of 1930, in a number of administrative details of which the more important are (*a*) amendment of the definitions of "free" and "privileged" patients and the addition of definitions of "in," "out" and "part-paying" patients; (*b*) exemption from personal liability of members of Hospital Boards, or their officers or servants, in respect of contracts or acts or omissions entered into or done in good faith for the purposes of this Ordinance; (*c*) important changes in the amount and basis of subsidies and special subsidies payable by the Provincial Administration to hospitals in respect of free, part-paying and out-patients, and in respect of donations and bequests; (*d*) provision is made by a new s. 81 for the dissolution of boards in the event of closing of hospitals and the vesting of their property in the Administrator.

Charitable Institutions.—Ordinance No. 21 amends the principal Ordinance No. 5 of 1926 by empowering the Administrator to make regulations to secure co-operation in charitable effort, and for the constitution of advisory or control boards for charitable institutions.

Hawkers and Pedlars.—Ordinance No. 4 amends s. 2 of Ordinance No. 4 of 1930 by prohibiting hawkers and pedlars from carrying on their business upon any premises outside municipalities, or from entering thereon, without first obtaining the owner's or occupier's consent thereto. "Premises" for the purpose hereof are defined as including "any farm, land, building or private road, but not a public road."

Roads.—Ordinance No. 10 amends the principal law (No. 5 of 1912) by, *inter alia*, requiring (*a*) the Administrator's written permission to lay or construct railways, tramways or trolley lines, bridges, culverts or subways across or under provincial roads, and empowering him to charge an annual fee for such permission (s. 4); (*b*) requiring thirty days' written notice to be given to the Administration in respect of damages alleged to have arisen out of any neglect or default of the Administration in relation to its roads and bridges, and prescribing that any action in respect thereof

be brought within six months of the cause of action arising (s. 5), with the proviso that on application a superior court may grant special leave to sue to any person debarred by this section, if satisfied that the Administration would be in no way prejudiced by reason of delay in giving such notice or that the claimant, by reason of special circumstances, could not reasonably have given the said notice.

S. 6 prohibits under penalty persons from placing on public roads any board or structure for the display of advertisements, and empowers the Administrator to remove and destroy any such obstruction and to recover expense caused thereby.

Outspans.—Ordinance No. 15 amends c. III of the principal law (No. 5 of 1912) with regard to outspans as to their size, number where a farm exceeds 3,750 morgen in extent or upon consolidation of portions of land (ss. 3 and 10); amending the powers given to the Administrator (*a*) in regard to defining or limiting to a particular area a general servitude of outspan; (*b*) to reduce the area; or (*c*) alter the position of a surveyed or demarcated servitude of outspan after due notice (s. 4).

S. 5 empowers the Administrator upon due notice to cancel such servitudes if no longer used or required as outspans, or where it is in the public interest to do so, upon application by the owner upon payment of a reasonable sum for the release of his land from such servitude; such sums to be paid into an "Outspan Roads Fund" constituted by s. 9. S. 6 empowers the Administrator to acquire outspans at a price to be agreed, to be charged against the foregoing fund.

By s. 12 servitudes of surveyed outspans within a municipality are exempted from rating.

Removal of Graves and Dead Bodies.—Ordinance No. 9 amends Ordinance No. 7 of 1925 controlling the exhumation or disturbance of bodies without the written authority of the Administrator by extending its title and effect to prevent, under penalty, the desecration or destruction or removal of any grave, tomb, headstone, monument or erection of any kind in a burial-place situate outside a municipality, without such authority.

Wheel Tax.—Ordinance No. 18 imposes an annual tax upon vehicles as there defined of 2*s.* 6*d.* per wheel; and in the case of bicycles or tricycles of 2*s.* per wheel.

Exempted, *inter alia*, are vehicles (*a*) the property of governmental and other public or semi-public authorities; (*b*) vehicles licensed and in respect of which a licence fee is payable under any law or by-law relating to the licensing of motor and other vehicles; (*c*) vehicles used *bona fide* and conclusively for the conveyance of children to and from school; (*d*) vehicles of home-made construction passed as such by the magistrate and not exceeding 200 lb. in weight; (*e*) vehicles for ambulance purposes, and for the use of persons suffering from physical defect or disability, and used solely by or for such persons.

Entertainments Tax.—Ordinance No. 9 imposes a tax upon entertainments (as there defined) based upon the price of admission and rising from one penny where the charge does not exceed 6*d.* to 2*s.* 6*d.* where the charge exceeds 12*s.* 6*d.*

The tax is recoverable from the promoter.

Entertainments for charitable, patriotic, religious and educational purposes, or for the promotion of agriculture or sport (when no money prizes are given, and which are not conducted for profit) are exempt.

In respect of performances given at hotels, restaurants, cafés, at which no fee or admission is charged, there shall be levied a tax at the rate of one penny per head for each individual supplied with refreshment during such performance.

6. NORTHERN RHODESIA.

[*Contributed by* E. E. Jenkins, Esq., *Acting Solicitor-General.*]

Ordinances passed—40.

Veterinary Surgeons.—Ordinance No. 5 amends the principal Ordinance, which makes provision for the registration of veterinary surgeons desiring to practise in the Territory, by easing the qualifications necessary for admission to practise. Formerly only the Diploma of the Royal College of Veterinary Surgeons or a diploma recognized by that college was sufficient, but now any veterinary qualification recognized by the Governor in Council is accorded recognition. The object is to include qualifications obtained in the self-governing Dominions.

General Loan and Inscribed Stock.—Ordinance No. 15 declares the terms and conditions applicable to loans authorized to be raised by the Government, and provides for the creation of inscribed stock. The latter provision enables the Territory to take advantage of the Colonial Stock Acts.

Plant Pests and Diseases.—Ordinance No. 16 aims at preventing the introduction and spreading of pests and diseases destructive to plants. It is chiefly an enabling Ordinance. The Governor in Council is given power to make regulations prohibiting, restricting and regulating importation into the Territory and controlling movement within the Territory. The immediate object is to prevent the spread of the "tobacco beetle."

Customs and Excise Duties.—Ordinance No. 18 is a consolidating and amending Ordinance. Pursuant to the Customs Agreement with Southern Rhodesia, the new tariff follows closely that in force in Southern Rhodesia.

Cigarette Excise and Surtax.—Ordinance No. 19 is a consolidating and amending Ordinance rendered desirable by Ordinance No. 18.

Railway Deviations.—Ordinance No. 22 empowers railway companies to make deviations, from the existing lines of railways and makes provision for the acquisition of land therefor. The consent of the Governor is required for a deviation and when such consent has been obtained the railway company has the same rights and is subject to the same obligations (except as regards the payment of compensation for the taking of land) as are created and imposed in the law authorizing the construction of the line of railway from which the deviation is to be made. Compensation for land taken is assessed by agreement or, failing agreement, by arbitration.

Bank Notes and Coinage.—Ordinance No. 23 gives effect to the decision of the Government to abandon the gold standard. It was enacted shortly after similar action by England and simultaneously with similar legislation by Southern Rhodesia and Nyasaland.

Registration of Business Names.—Ordinance No. 29 closely follows the Registration of Business Names Act, 1916. Registrars are appointed for prescribed areas, in the place of the sole Registrar of the English Act, so as to facilitate registration and inspection of the register.

Revised Edition of the Laws.—Ordinance No. 31 makes provision for the preparation and publication of a volume of subsidiary legislation. This includes Imperial Statutes, Letters Patent, Royal Instructions, Imperial Orders in Council, Rules, Regulations, Proclamations, Notices, Orders and By-laws.

Quit Rent Redemption and Apportionment.—Ordinance No. 34 provides for the redemption of quit rents and the apportionment of quit rents on the subdivision of land. In the past Crown grants of land have generally reserved a quit rent, but the practice is now to cease and grantees may redeem their existing quit rents on a basis of fifteen years' purchase. If on a subdivision of land the apportionment creates a quit rent of less than £1 redemption is compulsory.

Government Securities.—Ordinance No. 36 enables Northern Rhodesia Government loans to be treated in the United Kingdom as trustee securities.

Electric Light and Power.—Ordinance No. 40 is a comprehensive enactment designed to facilitate and regulate the supply and use of electrical energy. It aims at the control of electrical undertakings, but control is made as light as possible so as not to hamper the development of industry. It recognizes that the power-supply industry is essentially one belonging to a high state of industrial development, and that in turn upon the development of power will depend the industrial progress of the Territory. While public undertakings must be strictly controlled in the interests of the consumers, the public, private undertakings, often speculative, must be encouraged and stimulated. Special provision is therefore made for the industry which generates electricity for its own use, and a further concession is made when such industry also supplies the public. This latter provision meets the needs of growing towns in the mining districts where some time must elapse before power can be supplied by the local authority or by Government.

7. SOUTHERN RHODESIA.

[It is hoped to publish this Summary in the next *Review*.]

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by the* Hon. Sir H. Moncrieff-Smith, C.I.E.]

The number of measures placed on the Statute Book by the Central and Provincial Legislatures of British India in 1931 was slightly below that of the preceding year, but an abnormal number of regulations and ordinances brought the total number of enactments of all kinds up to the same figure as in 1930. The Governor-General had to exercise his special powers of recommendation and certification conferred by Parliament under s. 67 B. of the Government of India Act in connexion with the annual Finance Bill and a measure to supplement and amend the same introduced later in the year. None of the Governors of provinces was called upon to exercise the corresponding powers which they have under s. 72 E. of the Government of India Act. The Governor of Bombay recommended to the local Council that it should pass a Bill in a particular form, but as the Council did so pass the Bill, there was no necessity for him to certify it.

Future summaries will contain references to the North-West Frontier Province, which in the course of 1932 was converted into a Governor's province with a legislature of its own.

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—23.

Criminal Law.—Act No. 1 supplements Punjab Act No. 4 of 1930 [1] by providing for appeals to, and confirmation of death sentences by, the High Court.

Act No. 20 had a curious origin. Owing to the closing for reconstruction of a bridge in Calcutta, the Sheriff was unable to take prisoners to and from the jail without proceeding for a short distance outside the jurisdiction of the High Court. The Act legalized this temporarily illegal custody.

Naval Armament.—The object of Act No. 8 is to give effect, so far as India is concerned, to the London Naval Treaty of 1930. It follows the provisions of the English Statute passed in that year.

Merchant Shipping.—Act No. 9 is designed to give effect, so far as it is possible in India, to several draft conventions and recommendations relating to seamen adopted by the International Labour Conference at various sessions held between 1920 and 1926. The more important of these related to Seamen's Articles of Agreement, the general principles

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. iii, p. 139.

for the inspection of the conditions of work of seamen and the fixing of the minimum age for the admission of children and young persons to employment at sea.

Protection of Industries, Tariffs, etc.—Various Acts were passed for the purpose of protecting industries or increasing import customs duty for revenue or other purposes. Act No. 2 gives further protection to the steel industry, which has been the subject of much legislation in the last half a dozen years. Act No. 3 enhances the import duty on gold thread for a period of ten years, and Acts Nos. 14 and 15 enhance or impose customs duties on the import of salt and wheat, respectively, for a period of one year. Act No. 19 is designed to check the smuggling of silver and other articles liable to a high rate of customs duty across the land frontiers of British India. It provides for the punishment by imprisonment on conviction, since the smugglers were generally persons who could not pay substantial fines, and mere confiscation of contraband articles had not had sufficient deterrent effect.

Labour.—Act No. 11 amends the Indian Ports Act, No. 15 of 1908, to make it clear that the employment of children anywhere within the limits of the major ports is illegal.

Act No. 13 introduces a specific provision into the Indian Factories Act, No. 12 of 1911, enabling the Government to frame regulations to provide for the prevention of fires.

Collection of Taxes.—The Provisional Collection of Taxes Act, No. 16 of 1918, enabled the collection of new taxes to be proceeded with from the date of introduction of a Bill seeking to impose them, but if the Bill did not become law within thirty days, the taxes so levied had to be refunded. On more than one occasion this latter provision had almost resulted in serious inconvenience, for, owing to protracted debates in the Legislative Assembly on the annual Finance Bill, it was only with the greatest difficulty that the final stages of the Bill could be completed in the Council of State within the thirty days' limit. Act No. 16 was therefore passed increasing the period to sixty days.

Press.—The Act which controlled the Press in India, Act No. 1 of 1910, was repealed in 1922. Though, at the same time, some of its provisions were re-enacted in other Statutes, chiefly for the purpose of maintaining and strengthening the law designed to prevent the dissemination of seditious literature, the recrudescence of terrorist crime of frequent occurrence found the law inadequate to deal with newspapers, pamphlets, etc., actually inciting to or encouraging murder or other crimes of violence. Act No. 23 was accordingly passed in spite of strenuous and prolonged opposition. It deals with presses used for the purpose of printing literature inciting to or encouraging such crimes or expressing approval thereof or admiration of persons, real or fictitious, alleged to have perpetrated them. The Bill, which eventually became law, was actually the third on the subject to be introduced in the year 1931.

Succession.—Act No. 17 is worthy of mention only in that it adopted the provisions of the English law [1] in the matter of enabling the grant of probate to be made to a company.

The other Acts passed in the year, which have not been specifically mentioned, for the most part make unimportant amendments in the existing law.

[1] The Supreme Court of Judicature (Consolidation) Act, 1925.

2. ACTS MADE BY THE GOVERNOR-GENERAL UNDER S. 67 B. OF THE GOVERNMENT OF INDIA ACT.

Finance.—The annual Finance Bill of 1931, while leaving unchanged the provisions referring to salt duties and the inland postage rates, provides for the raising of large additional revenue by enhancing the tariff duties on various articles, including motor spirit, kerosine and silver, with corresponding increases in the excise duties on those three articles. It also enhances the rates of income-tax and super-tax. After prolonged debate the Legislative Assembly passed an amendment reducing the rates of income-tax. It was stated that if the Government accepted this amendment the loss of revenue would amount to nearly two and a half crores of rupees, or £1,800,000. The Governor-General therefore exercised his power to recommend to the Assembly that it pass the Bill in the form in which it had been introduced. The Assembly refused to do so, and the Bill was accordingly certified by the Governor-General and taken to the Council of State, which passed it in the form recommended.

In the Autumn Session, Government introduced a Supplementary Finance Bill. It sought to impose certain new import duties on, among other things, raw cotton and machinery, and to enhance certain of the existing duties. It provided for a surcharge of 25 per cent. on all import duties other than the new duties on raw cotton and machinery, and on all excise duties ; and it also imposed a surcharge on income-tax of 12½ per cent. in the current financial year, and of 25 per cent. in the year 1932–33. It lowered the limit of incomes liable to income-tax from Rs. 2,000 to Rs. 1,000, and it increased the postal rates. Finally, it proposed to continue the main provisions of the Finance Act of 1931, referred to above, to March 31, 1933, so as to avoid bringing a Finance Bill before the Legislature in March 1932. Apart from the enhanced revenue contemplated by this Supplementary Bill, various measures were undertaken by executive action to reduce expenditure in order to enable the Budget to be balanced. The most noticeable of these was perhaps an all-round 10 per cent. cut in the salaries of government servants. The Bill came up for consideration in a special session in November 1931, and during consideration of the Bill the Legislative Assembly deleted the clauses enhancing the postal rates by 25 per cent. and lowering the limit of taxable incomes. It also limited the enhanced income-tax rates to incomes exceeding Rs. 10,000. The Government estimated that these changes in the Bill would reduce the expected revenue by a total of about four crores of rupees, or £3,000,000, for the period of eighteen months in question ; the Governor-General accordingly again exercised his power to recommend to the Assembly that it should pass the Bill in the form in which it had been introduced. The Assembly refused to do so, and this Bill also was therefore certified and sent to the Council of State, which passed it in the form recommended.

3. MADRAS.

Acts passed—12.

The majority of the measures passed in 1931 were either of minor importance, or were of little or no interest outside the Madras Presidency. Act No. 6 was a validating measure which revealed the curious fact that

the Local Government had ten years previously created two criminal sessions divisions in one district in contravention of the law that a sessions division shall consist of one or more districts.

Road Development.—Act No. 3 provides for a graduated scale of taxes on motor vehicles, at the same time abolishing all previous local tolls or taxes levied by the local government or by local bodies. It lays down that, in the first place, out of the new taxes all bodies, including the Government itself, shall be compensated to the extent of the average annual income collected by them in the three years preceding the passing of the law and that the balance shall be expended solely on the construction, improvement and maintenance of roads.

4. BOMBAY.

Acts passed—25.

Without exception all of the Acts passed were measures to amend existing enactments, a large proportion of them dealing with the subject of local self-government. Only a few are worthy of mention.

Court Fees and Stamp Duties.—Acts Nos. 1 and 2 extend for another year the enhanced rates imposed some years previously for the purpose of raising additional revenue. In regard to the Court Fees Bill it is noticeable that the Legislative Council had earlier in the year refused leave for the introduction of a Bill to maintain the enhanced duties. The Governor thereupon laid a recommended Bill before the Council in exercise of the powers conferred on him by s. 72 E. of the Government of India Act.[1] The Council passed the new Bill in the form recommended and it was not therefore necessary for the Governor to certify it under that section. As regards stamp duties, the intention of the government Bill was to make the enhanced rates permanent, but the Council rejected this proposal.

Betting.—In 1912 the Bombay Council passed a law abolishing bookmakers on the race-courses in the Presidency, and substituting a system of betting by means of totalizators ; and a further law was passed in 1925 imposing a tax on such betting. It was hoped that the former Act would mitigate the evils of credit betting with bookmakers, but, so far from this being the case, the evils had become much worse by reason of the opening of a large number of " bucket-shops " in Bombay. Legislation devised in 1919 and 1922 for the suppression of these " bucket-shops " proved wholly ineffective, with the result that the Legislature, in the year under review, passed Acts Nos. 3 and 4 to permit the reintroduction on race-courses of a limited number of licensed bookmakers, and to provide for the levy of the betting tax on bets made with them.

Children.—Act No. 8 makes various amendments in the Bombay Children Act, No. 13 of 1924. The more important of these provide better safeguards against the association of children with women of ill-fame, and enable the courts to sentence juvenile offenders to whipping (the local council preferred the term " caning "). The Act also requires the court trying a juvenile offender, after recording its finding on the facts of the case, to investigate his antecedents and character to assist it in deciding as to the most suitable form of punishment. This provision constitutes a departure from the general law of evidence, but it follows the practice enjoined upon the juvenile courts in England.

[1] 5 & 6 Geo. V, c. 61 ; 6 & 7 Geo. V, c. 37 ; and 9 & 10 Geo. V, c. 101.

5. BENGAL.

Acts passed—8.

State Aid to Industries.—The only statute worthy of mention is Act No. 3, which is designed to enable the State to give aid to indigenous industries. Its provisions need not be referred to in detail, as the Bill was closely modelled on the measures on the same subject which were passed in Madras and Bihar and Orissa in 1923, and which have already been mentioned in the review [1] of legislation for that year.

6. UNITED PROVINCES.

Acts passed—4.

Agricultural Tenancies.—Owing to the great fall in the prices of agricultural produce, tenants were finding great difficulty in paying their arrears of rent in full. Act No. 1 limits the powers of landlords to restrain the produce for arrears of rent, and also contains provisions to prevent tenants from being ejected from their holdings, provided that within two months of the arrears being decreed they paid two-thirds of the amount, together with the costs of the suit.

Act No. 2 is the outcome of the " no-rent " campaign in the United Provinces, which followed the Civil Disobedience Movement. The Act lays down that in the event of any general refusal on the part of agricultural tenants to pay the rent due from them, the Government may direct that instead of recovery by suit in the rent courts, landlords can apply to have the arrears collected by the more summary procedure applicable to the collection of land revenue due to the Government.

Local Self-government.—Owing to the very serious communal riots that had taken place at Cawnpore, it was considered that the state of public feeling in that city was such that the municipal elections shortly due should not be held on the ordinary date. Act No. 3 was therefore passed for the purpose of postponing the elections for a period of ten months.

7. PUNJAB.

Acts passed—3.

The three Acts passed were not worthy of mention.

8. BURMA.

Acts passed—8.

Local Self-government.—Act No. 1 is a comprehensive measure consolidating and amending the law applicable to municipalities, particularly in the sphere of public health. A Bill to effect this object had been introduced in 1927, and was referred to a Select Committee, which duly reported to the Legislature. The Bill was allowed to lapse on the ground that impending constitutional changes in Burma were likely to render some of its important provisions obsolete, but it was felt in the end that the enactment of its provisions regarding public health could not longer be delayed. The Government adopted practically without alteration the provisions of the Select Committee's Bill in so far as they dealt with this subject.

[1] See *Journ. Comp. Leg.*, Third Series, vol. vii, pt. iii, pp. 151 and 155.

Criminal Law.—Two important measures were passed during the year. The first, Act No. 3, is designed to deal with the outbreak of revolutionary crime in Burma, and the second, Act No. 4, provides for the speedy trial of persons accused of offences connected with the widespread rebellion in Burma. Both these enactments are based on Ordinances which had been promulgated by the Governor-General to deal with these matters. They are referred to in greater detail [1] below. As Ordinances have a duration of six months only, it was necessary to give their provisions greater permanency. Act No. 3 has a duration of five years, while Act No. 4 is to remain in force for one year only in the first instance, with a power vested in the Local Government to extend it by two further periods of one year each.

9. BIHAR AND ORISSA.

Acts passed—3.

Opium Smoking.—In 1908 the Local Council passed an Act [2] to control the manufacture and use of opium and the keeping of opium dens. Its purpose was to prohibit the smoking of opium after the end of February 1931 by all except persons registered on their own application as addicts before that date. When the registers were closed they contained about four thousand names, but, as it appeared that an equal number of addicts remained unregistered at that time, Act No. 3 was passed to enable the registers to be kept open until the end of 1931. At the same time it provides for the prosecution and punishment of unregistered addicts during the intervening period.

10. CENTRAL PROVINCES.

Acts passed—3.

Irrigation.—The only Act of importance was Act No. 3, which is a comprehensive measure regulating all matters connected with State irrigation in the Province. The subject had hitherto been administered under the Northern India Canal and Drainage Act, No. 8 of 1873, which was primarily designed for the Northern Provinces where conditions relating to irrigation differ widely from those prevailing in the Central Provinces.

11. ASSAM.

Acts passed—5.

Preservation of Wild Animals.—Act No. 1 is the only Act worthy of mention. Under the Assam Forest Regulation, No. 7 of 1891, the penalty for poaching was Rs. 50 only. In the case of a rhinoceros this penalty was hopelessly inadequate, as a successful poacher could dispose of the carcase for a sum of not less than Rs. 750. To prevent the extermination of these beasts, the penalty for killing a rhinoceros is enhanced by Act No. 1 to imprisonment, extending to six months, or to a fine of Rs. 1,000, or both.

[1] See p. 139.

[2] See *Journ. Comp. Leg.*, Third Series, vol. xii, pt. iii, p. 172.

12. COORG.

Acts passed—1.

Weights and Measures.—This Act was the first passed by the Coorg Legislative Council since 1927. It provides for the standardization of weights and measures, creates an inspecting staff and lays down penalties for infringement of its provisions.

13. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Regulations made—8.

As usual the Regulations applied for the most part to comparatively unknown tracts, such as Manpur and Panth Piploda, for which no other form of legislation is provided. At the same time there are other areas of great importance, such as the North-West Frontier Province and Baluchistan, for which legislation by Regulation can be employed.

Public Safety.—The only Regulation of importance in 1931 was No. 3, the North-West Frontier Province Public Safety Regulation. Owing to the Afridi incursion into the Peshawar district in August 1930, the Governor-General had promulgated Ordinance No. 8 of 1930,[1] providing for the declaration of martial law. As an Ordinance has force for six months only, Regulation No. 3 was made in January 1931 for the purpose of securing the public safety in the Frontier district. Its provisions are much less drastic than those of the Ordinance, but it enables the Chief Commissioner to take possession of property, to remove obstructions and to close roads for the purposes of defence. Save in the matter of the award of compensation, the Regulation bars the jurisdiction of the courts to call in question any order made thereunder, and indemnifies persons acting in good faith.

14. ORDINANCES UNDER S. 72 OF THE GOVERNMENT OF INDIA ACT.

Ordinances made—15.

The number of Ordinances made in 1931 exceeded those of any previous year. The rebellion in Burma, the activities of the revolutionary party, the troubles in Kashmir, the Civil Disobedience Movement and the financial crisis, all contributed to the necessity of issuing emergency legislation. The more important Ordinances were the following.

Revolutionary Crime.—No. 1 was designed to cope with the outbreak of revolutionary crime in Burma. It had been known for some time that there was a party in the Province closely connected with the terrorist movement in Bengal and not unconnected with the rebellion in Burma itself. The provisions of the Ordinance are very similar to those of other measures enacted from time to time to deal with terrorist crime in Bengal. They provide for the trial of certain offences by special tribunals of three judges and enable the Local Government to issue orders in regard to suspects restricting their movements and actions or committing them to custody. All such orders have to be submitted within one month to the scrutiny of two judges, who report to the Local Government whether or not there is, in their opinion, lawful and sufficient cause for them.

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. iii, p. 141.

No. 3 provides for the creation of special courts to deal with the cases of the large number of persons arrested for offences connected with the rebellion in Burma. It was stated that one thousand persons believed to have taken an active part in the rebellion had been arrested and were awaiting trial.

Later in the year the spread of the rebellion necessitated the assumption of further powers for dealing with the rebels, and Ordinance No. 5 was promulgated conferring on the competent authorities powers similar to those provided in other enactments dealing with the terrorist movement, and enabling them to take steps for the purpose of safeguarding the public peace similar to those provided in the North-West Frontier Province by Regulation No. 3 [1] mentioned above.

Publication of Statements.—No. 4 penalizes the publication of statements likely to jeopardize the friendly relations between His Majesty's Government and foreign states.

Currency.—Nos. 6 and 7 deal with the financial crisis of September 1931. The former, following the example of His Majesty's Government in the United Kingdom, removes temporarily the obligation imposed on the Government by the Currency Act, No. 4 of 1927, to sell gold or sterling when demanded. This Ordinance was repealed three days later by Ordinance No. 7, which enables the sales of gold and sterling to be renewed under certain restrictions. The control was largely vested in the Imperial Bank of India, and sales were to be made only for financing normal business requirements or completed contracts, and reasonable personal or domestic purposes.

Conduct of Trial.—No. 8 was designed to deal with the disorderly conduct of the persons under trial in what was known as the "Delhi Conspiracy Case." It enables the Special Tribunal trying the case to take all measures necessary for securing the orderly conduct of the trial and, in particular, to dispense with the attendance of an accused person and to proceed with the trial in his absence.

Unlawful Assemblies.—No. 10 gives the local authorities powers to prevent assemblies of men intending to proceed from the districts of the Punjab into the territories of the Maharaja of Kashmir with a view to promoting disorders therein.

Terrorist Crimes.—No. 11 confers further special powers on the Government of Bengal and its officers for the purpose of suppressing the terrorist movement, and provides for the speedier trial of offences committed in furtherance of the movement. In addition to powers of arrest, search, confiscation of moveable or immoveable property, regulation of traffic and prohibition of the sale of arms and ammunition, it provides for the imposition of a collective fine on the inhabitants of any area where terrorist crime was committed or where the inhabitants were in any way assisting the offenders. It further provides for the creation of special courts.

Civil Disobedience.—No. 12 is applicable to the United Provinces only. It deals with the "No-rent" campaign, which was an off-shoot of the Civil Disobedience Movement. It confers power to deal with agitators instigating the population to refuse payment of legal liabilities, and enables such liabilities to be realized by summary procedure.

Prevention of Crime.—Nos. 13, 14 and 15 all apply to the North-West Frontier Province, and are mainly necessitated by the spread of the so-

[1] See p. 139.

called " Red Shirt " movement in that area. They confer full powers, similar to those taken in Bengal, to deal with suspected persons and with property, and identical with those created in the United Provinces by Ordinance No. 12 mentioned above. They also enable the association of persons together for illegal purposes to be prevented.

VIII. EASTERN COLONIES.

1. CEYLON.

[It is hoped to publish this Summary in the next *Review*.]

2. HONG KONG.

[*Contributed by the* Hon. Mr. C. G. Alabaster, K.C., O.B.E., *Attorney-General*.]

Ordinances passed—40.

The forty Ordinances passed during the year comprised two appropriation, two replacement, two incorporation, two consolidation, thirty amendment and two Ordinances which were new to the Colony.

Census.—Ordinance No. 4, which replaces the Census Ordinance No. 2 of 1881, is based on the Census Act, 1920 (10 & 11 Geo. V, c. 41).

Bankruptcy.—Ordinance No. 10 replaces the Bankruptcy Ordinance, No. 7 of 1891, and is based on the Bankruptcy Act, 1914 (4 & 5 Geo. V, c. 59).

Liquors and Tobacco.—Ordinances Nos. 36 and 38 revise and consolidate the Ordinances dealing respectively with liquors and tobacco.

Nurses' Registration.—Ordinance No. 1 provides for the constitution of a Nursing Board for the Colony. It is a new Ordinance the provisions of which are based on the Nurses Registration Act, 1919 (9 & 10 Geo. V, c. 94), but appeals against removal from the register or against the refusal of the Board to approve any training institution lie to the Governor in Council, instead of the court.

Betting Duty.—Ordinance No. 40 is the other new Ordinance. It is entitled an Ordinance to make provision for the taxation of bets on authorized totalizators or *pari-mutuels* and on contributions or subscriptions towards authorized cash-sweeps. It limits such betting to horse or pony races and places it under the control of social, sporting, race, jockey or hunt clubs which must in each case obtain the permission in writing of the Inspector-General of Police, who may impose such conditions as he may see fit, and it provides that not less than 90 per cent., or in the case of a club organizing both the race and the sweep 80 per cent., of the total sweep contributions or subscriptions, after deduction of duty, shall be devoted to prizes for the subscribers. In the case of totalizator or *pari-mutuel* betting, not less than 90 per cent. of the total bets, after deduction of the duty, must be devoted to prizes for the ticket holders. The duty on totalizator or *pari-mutuel* betting is 3 per cent., and on cash sweeps 5 per cent., of the amount paid, contributed or subscribed. The secretary, treasurer and every steward and member of the committee of management of the club, as well as the club itself if a corporation, are made jointly and severally liable for the duty payable.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

Ordinances passed—23.

Admiralty Waters.—The limits of the dockyard port of Singapore are now defined, on the analogy of the dockyard ports of the British Isles [1] and of similar ports in other British Possessions, such as Gibraltar and Malta. Its area is delimited in the definition of "Admiralty waters" contained in s. 2.

These Ordinances (Nos. 12 and 18) also define (ss. 3, 4 and 6) the powers reserved in respect of Admiralty waters to the Admiralty through the King's Harbour Master, among such powers being also (s. 7) that of making regulations, subject to confirmation by the Governor in Council, regarding the general control of such Admiralty waters.

Dredging operations and other obstructions within the limits of Admiralty waters are prohibited (s. 5).

Railways.—S. 44 of the principal Ordinance [2] is amended by No. 10 so as to vary the liability of the railway administration in respect of passengers' luggage. The normal liability where delivery to a railway official can be proved is substantially increased, but registration of the luggage no longer has the effect, as under the former law of insurance, of making the railway administration liable.

S. 45, as now amended, requires articles of special value carried in passengers' luggage to be expressly declared, if the liability of the railway administration is to exceed the limit laid down in the section.

Chapter IX (ss. 100 and 101), added to the principal Ordinance, confers express statutory power on the railway administration to establish and work motor services, with a view to combating competition by private undertakings of a similar nature.

4. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—40.

Quarantine.—The International Sanitary Convention signed at Paris in 1926 (to which the Federated Malay States have acceded) prescribed the measures to be taken by the signatories against the introduction of certain infectious diseases into their respective territories.

The previously existing regulations on quarantine, contained in Part I of the rules made under the Quarantine and Prevention of Diseases Enactment, 1903, of the individual States, did little more than authorize the making of rules, but were devoid of any provision bearing directly on the subject of quarantine; nor did they conform to the new obligations incurred by the Federated Malay States under the aforesaid International Sanitary Convention.

The present Enactment (No. 29) consists almost entirely of an adaptation of those sections of Ordinance No. 157 (Quarantine and Prevention

[1] Which were established under the provisions of the Dockyard Ports Regulation Act of 1865 (28 & 29 Vict., c. 124).

[2] Ordinance No. 90 (Railways), in the Revised Edition of 1926.

of Disease) of the adjacent Colony of the Straits Settlements which relate to quarantine proper, *i.e.* to preventing the introduction of disease from outside ; and the new regulations, prepared under s. 14 thereof, conform with the requirements of the International Convention. The Enactment is moreover to be implemented in due course by further regulations relative to : (*a*) the control of infectious disease arising within the Federated Malay States ; and (*b*) the diseases of animals.

Railways.—In order to meet competition (particularly that of motor-cars) and retain traffic, the Railways Enactment of 1912 is amended by No. 27 so as to empower the Federated Malay States railway administration to fix special rates, subject to a statutory maximum, as has been done in the United Kingdom.

Stamps.—Enactment No. 25 amends the Stamp Enactment of 1930 by imposing a duty on bets made on the totalizator at race-meetings and also on " sweeps " promoted by racing clubs or associations.

Tin Production.—Enactment No. 23 provides the necessary powers and authority, in view of the present state of over-production of the metal, to carry out the policy of restriction, which was decided upon by the International Convention between certain tin-producing countries, the Federated Malay States being one of the parties thereto.

Rules made under the Enactment came into force simultaneously with it.

5. MAURITIUS.

[*Contributed by* E. Nairac, Esq., *Procureur-General.*]

Forty-eight Ordinances were passed by the Council of Government and assented to by the Governor during the year 1931, of which the following are specially mentioned owing to their importance in the legislation.

Laws.—No. 21 legalizes the publication of vol. viii of the legislative enactments of the Colony as prepared by the late Sir Furcy Herchenroder, K.C., which covers the period 1921 to 1930.

Employment of Children.—No. 2 prohibits absolutely the employment in factories of children under the age of thirteen and provides for the punishment by fine not only of a person so employing a child, but also of a parent or guardian directly or by neglect responsible for allowing a child to be so employed.

Hurricane Loan.—Nos. 10 and 16 provide for the raising of a loan of £750,000 guaranteed by the British Treasury and for its distribution in the Colony to meet the wants and necessities created by the hurricane of March 1931, and No. 34 permits Treasury bills to be issued in anticipation of the issue of the loan.

Workmen's Compensation.—No. 13 introduces in the Colony the principle of employers' liability for accidents in course of workmen's employment. The Ordinance is based on English and South African statutes. The Mauritius Ordinance received the unreserved approval of the Secretary of State, and was circulated to other Colonies as a draft model.

Customs Tariff.—No. 23 raises the import duty on tobacco by Rs. 2.00 per kilo, on motor spirits by Rs. 2.00 per hectolitre, and on all other dutiable goods imported into the Colony by 10 per cent. The increase,

however, does not apply to such articles as form the staple food of the population of the Colony.

Pensions.—No. 24 does away with the abatement of pension on re-employment of pensioners in government services, and provides also for the payment in full of all pensions under abatement at the date of coming into force of the Ordinance.

Arbitration Clauses.—No. 26 gives effect in this Colony to the protocol on Arbitration Clauses signed at the League of Nations on September 24, 1923, and No. 27 to the Convention on the Execution of Foreign Awards on Arbitration as contemplated in the Convention signed at Geneva on September 26, 1927.

Bankruptcy.—No. 41 amends the Law of Bankruptcy in certain important respects, so as to afford a greater control over fraudulent bankruptcies, and brings that law more and more into line with the modern English Statute Law.

Accepted Accounts.—No. 42 aims at doing away with the practice of raising money on the credit of instruments which purport to be accounts of actual sales but are in fact fictitious.

Interest.—No. 45 reduces from 9 to 6 per cent. the so-called " legal " rate of interest, with the intention of lowering the price of money, and thereby helping to ease the markets in the present state of the finances of the Colony. Contractual rate of interest remains unaffected.

Currency.—No. 47 provides that the relation of the value of the sum that can be invested by the Board of Commissioners of Currency to the value of the paper currency in circulation for the time being shall not be subject to the limitation of one-half as a minimum proportion formerly imposed by Ordinance No. 9 of 1927.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. Macaskie, Esq., *Legal Adviser.*]

Five Ordinances were passed into law during 1931.

Naturalization.—Ordinance No. 1 defines the persons who shall be deemed to be natural born citizens of the State and makes provision for naturalization by persons who are not natural born citizens.

Midwives.—Ordinance No. 2 provides for the registration of qualified midwives and prohibits the practice of midwifery by unregistered persons. It applies only to prescribed areas, and at present only the Sanitary Board area of Sandakan, the capital of the State, has been so prescribed.

Stamps.—Ordinance No. 3 grants relief from stamp duties in cases of reconstruction or amalgamation of companies.

School Books.—Ordinance No. 4 empowers the Governor to prohibit the use in schools of undesirable books. The necessity for this measure arose owing to the publication by certain Chinese firms of school text-books with a strong anti-foreign bias.

Sanitary Boards.—Ordinance No. 5 is a consolidation of former Ordinances which provide for the establishment of Sanitary Boards and define their powers.

All the Ordinances passed during the year are based on Malayan legislation and present no novel features. The rules made during the year under various Ordinances are merely of local interest.

7. SEYCHELLES.

Ordinances passed—14.

Justices of the Peace.—No. 3 extends the jurisdiction of justices of the peace to cases of unlawful possession and simple larceny, provided that the value of the articles which are the subject of the prosecution does not amount to more than Rs. 10, and also to cases of assaulting a public functionary and resisting arrest.

Leper Asylums.—Ordinances Nos. 4 and 10 give power to the Governor to proclaim any place a leper asylum, and it is made unlawful to enter a leper asylum except with the written permission of the Chief Medical Officer or officer in charge of the asylum. The penalty for entering without a permit is a fine not exceeding Rs. 100 for a first conviction, and for any subsequent conviction, in addition to the fine, a term of imprisonment not exceeding 15 days.

Malaria Prevention.—No. 5 provides means for the prevention of malaria in the Colony. The Governor may proclaim malaria to be prevalent in any of the Seychelles Islands, and it shall be unlawful for any vessel coming from or touching at any such Islands to communicate with any other island within the Colony unless such vessel has previously received pratique at Port Victoria, Mahé. Any special measure, such as fumigation, ordered by the Health Officer, is to be performed at the expense of the owner of the vessel at such rates and on conditions prescribed by regulations under the Ordinance. Contravention of the provisions of the Ordinance is punished by a fine not exceeding Rs. 500 and imprisonment for a period not exceeding 6 months.

Bacca.—No. 13 prohibits the manufacture and sale of the drink called "Bacca" which is defined as any liquor (except Calou as defined in this Ordinance) whether fermented or unfermented made in the Colony from the juice of the sugar cane or out of any other juice or any other substance and capable of fermentation. "Calou" is defined as the sap or juice of any kind of palm-tree whether fermented or unfermented. The Ordinance imposes penalties for the manufacture of bacca or calou, using a mill to make bacca, and possession, transport or possession on public places, and for its sale and purchase.

Commissions of Inquiry.—No. 7 enables the Governor to appoint Commissioners to inquire into and report on matters referred to them by the Governor in Executive Council. Provision is made for the summoning of witnesses, the application of the laws of evidence of the Colony to all witnesses before the Commissioners, and for the administration of oaths by the Commissioners.

Barristers and Attorneys.—No. 9 adds to those who may be admitted to practise as attorneys in the Supreme Court, law agents admitted to practise in Scotland.

Sugar Cane.—No. 12 provides that no person shall plant sugar cane without a permit to plant from the Excise Superintendent; the property so to be planted under such permit is limited to an area of 800 square feet. All land planted in sugar cane is chargeable with a yearly tax of 2 cents per square foot, payable in two equal half-yearly instalments. Penalties are provided for planting land with sugar cane without a permit, planting in excess of the area granted by the permit, and non-payment of tax.

IX. WEST AFRICA.

1. GAMBIA.

[*Contributed by* A. G. B. Manson, Esq., *Legal Adviser.*]

Ordinances passed—16.

Stamp Duties.—Ordinance No. 12 provides for charging stamp duties on certain instruments, and follows the lines of the Imperial and Colonial Stamp Acts.

Cinematograph.—Ordinance No. 5 regulates and controls cinematograph and similar exhibitions, and in addition to providing for such matters as licences to exhibit and the safety of the public during exhibitions, establishes a Board of Control with powers of censorship not only over films but also over advertisements and posters issued in connexion with any proposed exhibition of films.

The remaining Ordinances deal with a number of other matters which hardly require separate comment.

2. GOLD COAST.

[*Contributed by* L. E. V. McCarthy, Esq., *Solicitor-General.*]

Twenty-four Ordinances were passed, of which the most important are as follows :

Co-operative Societies.—No. 4 affords for the first time statutory provision for the registration of co-operative societies, for their control and for prescribing the liabilities of their members. It is based upon the corresponding legislation of Ceylon.

Legal Practitioners.—No. 5 consolidates and amends the law relating to legal practitioners and makes provision for the establishment of a disciplinary committee, with power to inquire into complaints of professional misconduct on the part of legal practitioners, and to report thereon to the judges of the Supreme Court.

Midwives.—No. 10 restricts the practice of midwifery in certain towns to women registered under the Ordinance and to persons who have been engaged in practice for not less than two years prior to the commencement of the Ordinance. Registration is restricted to women holding special qualifications. The training of midwives and their control generally are placed in the hands of a Midwives Board.

Master and Servant (Penal Provisions Repeal).—No. 20 replaces certain penal provisions in the Master and Servant Ordinance which had fallen into disuse. These provisions empowered the court in certain cases of breach of contract to fine the offender in lieu of awarding damages against him, and to order imprisonment in default of payment of the fine. In future aggrieved parties will only have recourse to the usual civil remedies.

Native Administration.—No. 23 adds to the numerous amendments of the native administration that have been effected since the enactment of the latter measure in 1927.

(i) ASHANTI.

Nine Ordinances were enacted, of which the most important are the following :

Forests.—No. 1, apart from minor modifications, is identical with the

corresponding Gold Coast Colony Ordinance. It provides for the protection of forests and for the constitution and protection of forest reserves. Under the old law the constitution of forest reserves depended upon by-laws voluntarily made by the native authorities. Under the present Ordinance, in the event of such by-laws not being made when considered necessary in the public interest, or if made, not being efficiently administered, forest reserves may be established and maintained by the Government.

Arbitration.—No. 4, apart from minor modifications, is identical with the corresponding Gold Coast Colony Ordinance, No. 9 of 1928.[1] It brings up to date the law in Ashanti on the subject of arbitration. References made under an order of the court are still dealt with exclusively by rules of court, but references by consent out of court, which were formerly regulated by the law in force in England on July 24, 1874, now come under the Ordinance which embodies the relevant sections of the Arbitration Act, 1889.

Co-operative Societies.—No. 6 is nearly identical with the corresponding Gold Coast Colony Ordinance.

Midwives.—No. 8 is nearly identical with the corresponding Gold Coast Colony Ordinance.

(ii) NORTHERN TERRITORIES.

Eleven Ordinances were enacted, of which the most important are the following:

Marriage of Mohammedans.—No. 1 provides for registration of marriages and divorces among Mohammedans, and is based on the corresponding Gold Coast Colony Ordinance.

Arbitration.—No. 4, with minor modifications, is identical with the corresponding Gold Coast Colony Ordinance, No. 9 of 1928.

Land and Native Rights.—No. 8 replaces the Land and Native Rights Ordinance of 1928, which had always been regarded as a dead letter, save in so far as it restricted the alienation of land by natives to non-natives, its replacement by a new Ordinance having been long anticipated. Whereas its predecessor declared the whole of the lands in the Protectorate to be "public lands," in the new Ordinance these are declared to be "native lands." They are to be under the control and subject to the disposition of the Governor, and shall be held and administered for the use and common benefit, direct or indirect, of the natives of the Protectorate. There are certain reservations in respect to titles to and interests in land acquired by non-natives prior to the commencement of the Ordinance. The occupation of lands by natives, existing at the commencement of the Ordinance, may be continued with the consent of the Governor, expressed or implied. Apart from the above, lands in the future will be held under certificates of occupancy granted by the Governor, subject to payment of rent and such other conditions as may be imposed.

(iii) TOGOLAND UNDER BRITISH MANDATE.

Three Ordinances were passed, which do not call for special mention.

[1] See *Journ. Comp. Leg.*, Third Series, vol. xii, pt. iii, p. 183.

3. NIGERIA.

[*Contributed by* J. C. HOWARD, ESQ., *Solicitor-General.*]

Ordinances passed—24.

Education.—Ordinance No. 7, which amends the Education (Colony and Southern Provinces) Ordinance, 1926, amongst other alterations, ensures that the Board of Education for the Colony and Southern Provinces is more representative of missions and other educational agencies. The Board is also empowered to delegate some of its duties to committees.

Ordinance No. 11, which applies to the Northern Provinces only, repeals the Mission Schools (Northern Provinces) Ordinance (c. 66) and the Education (Northern Provinces) Ordinance (No. 14 of 1926). The provisions of these repealed Ordinances are reproduced with certain amendments and modifications. The following are the chief alterations effected by this legislation: (*a*) The necessity for elaborate regulations has been obviated; (*b*) the procedure with regard to the control of schools and the requirements with regard to the opening of new schools have been simplified; (*c*) adequate representation on the Board of Education of mission and educational agencies has been assured.

Tin Production.—Ordinance No. 10 empowers the Governor by licence to control the production and export of tin from the Northern Provinces. This legislation was enacted to give statutory effect to an agreement for the restriction of tin production made in London by the chief tin-producing countries of the world with a view to countering the economic slump in the price of this commodity.

Deportation of Eshugbayi.—Ordinance No. 15 indemnifies all officers concerned in the deportation of Eshugbayi, ex-Eleko of Lagos, against actions, prosecutions, or other legal proceedings arising therefrom.

Income-tax.—Ordinance No. 21 extends to non-natives resident in the Protectorate income-tax levied at the rates imposed by the Income-tax (Colony) Ordinance, 1927. The Ordinance is modelled on the latter Ordinance, but at the same time various modifications have been introduced, the most important of which are as follows: (*a*) District officers and station magistrates are responsible for the assessment, levying and collection of tax; (*b*) petitions against assessments will be heard by the Supreme Court and the court of a resident in accordance with the respective jurisdiction of each of these tribunals; (*c*) provisions for the assessment of businesses established in the year of assessment or in the year preceding the year of assessment have been introduced. The sections containing these provisions are based on the Imperial Finance Act, 1926.

Ordinance No. 22, which amends the Income-tax (Colony) Ordinance, 1927, has been enacted to bring the provisions of the latter Ordinance into harmony with those of the above Ordinance (No. 21). Provisions for the assessment of businesses established in the year of assessment or in the year preceding such year have, as in Ordinance No. 21, been introduced into the Colony Ordinance.

Stamps.—The main object of Ordinance No. 23 is to provide that, where commissioners of stamp duties are of opinion that an instrument is liable to duty, they are to assess the amount of the duty but are not to put any certificate on the instrument, until the amount at which the duty has been assessed has actually been paid. Ss. 7 and 8 of the Ordinance provide, by amendments of the principal Ordinance, for this modification

of the law. Of the other provisions of the Ordinance attention may be invited to—(*a*) S. 4, which substitutes for s. 11 (4) of the principal Ordinance the corresponding and more satisfactory worded provision—s. 4 (*b*)—of the English Stamp Act, 1891 (54 & 55 Vict., c. 39); (*b*) s. 5, which increases the penalty for a fraudulent suppression of facts material for ascertaining whether an instrument is liable to *ad valorem* duty or for the assessment of the *ad valorem* duty with which an instrument is chargeable; (*c*) s. 10, which provides for the destruction of unclaimed instruments; (*d*) s. 11, which substitutes for the definitions of bills of exchange and promissory notes contained in s. 30 (1) of the principal Ordinance the more complete definitions given in ss. 32 and 33 of the English Stamp Act, 1891; and (*e*) s. 12, which raises the duty on a lease made subsequently to, and in conformity with, an agreement for a lease from sixpence to one shilling, the duty payable on agreements under hand.

4. SIERRA LEONE.

[It is hoped to publish the Summary of this Legislation in the next *Review*.]

X. EAST AFRICA.

1. KENYA.

[*Contributed by* P. F. Branigan, Esq., *Acting Crown Counsel*.]

Fifty-eight Ordinances were passed during the year 1931. A summary of the more important enactments is given.

Mining.—Ordinance No. 1 embodies the recommendations of the Conference of the Mining Departments of Kenya, Uganda and Tanganyika Territory held in March 1928. Subject to amendments in matters of detail necessitated by local differences, the Ordinance aims at that uniformity in the mining legislation of the various British Dependencies which has been advocated so strongly by the Imperial Mining Resources Bureau. The Ordinance provides for the development of the mineral resources of the Colony, particularly with regard to conservation of those resources, participation by Government in the proceeds, protection of workers in the industry and the payment of compensation to natives or their representatives for injuries sustained in connexion with the mining operations.

Land and Agricultural Bank.—Ordinance No. 3 provides for the establishment and management of a Land and Agricultural Bank. The chief object of the Ordinance is the provision of means whereby farmers and other occupiers of land may secure long-term credits at a reasonable rate of interest for the purpose of approved development of their lands. Special provisions are made for the purpose of the construction of fences and dipping tanks, all of which apply to native reserves and local authorities. The operations of the bank are controlled by a Board of five members appointed by the Governor. The Ordinance is based upon similar legislation now in force in South Africa and Southern Rhodesia.

Corporation (Probate and Administration).—Ordinance No. 14 is modelled on the provisions of the English legislation of 1925 dealing with the same subject-matter. It enables a corporation aggregate to act as

executor or administrator either alone or with other persons. The trust corporation must, except with the leave of the court in each case, have a subscribed capital of not less than £25,000.

Carriage of Goods (Control).—Ordinance No. 23 regulates the hitherto indiscriminate competition with the railway by the carriage of goods by motor vehicles. The Ordinance provides for the establishment of a Board to hear and determine applications for licences to carry goods for hire between scheduled places. The Board, in considering such applications, must have regard to certain matters, which are set out in s. 6 of the Ordinance, such as the condition of the roads included in any proposed route, the extent to which the proposed service is necessary, the existing facilities for the conveyance of merchandise of the kinds which it is proposed to carry between the places intended to be served. But the section contains a proviso that the Board may not refuse an application solely on the ground that existing railway facilities are adequate. Vehicles licensed for the carriage of goods between scheduled places must be insured against third party risks, and the fee payable for a licence is £30 for each stage of the route to be covered. This fee is calculated at a figure which is not prohibitive, and will leave a margin of profit for properly controlled and regulated services.

The Carriage of Goods by Motor (Control) (Amendment) Ordinance (No. 33) amends the above Ordinance, which provides for the compulsory insurance of vehicles licensed under that Ordinance by inserting a provision to the effect that nothing shall be taken to render void any provision in a policy requiring the person injured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of third parties. This provision is similar to that embodied in the English Road Traffic Act, 1930.

Co-operative Societies (Registration).—No. 24 makes provision for the formation, registration and management of co-operative societies. Such societies have existed in the Colony for some time, but it has now been considered desirable to introduce legislation governing their general control. The Ordinance is based on similar legislation in South Africa and Malaya dealing with co-operative societies, especially in regard to their formation, registration, management and dissolution.

Legitimacy.—Ordinance No. 26 amends the Legitimacy Ordinance of 1930. Under that Ordinance the law of legitimacy in Kenya differs in one important respect from that which obtains throughout the British Empire. The difference lies in the omission in the law of this country of that clause which in all similar legislation throughout the Empire debars from the benefit of legitimation all offsprings of adulterous intercourse. Inasmuch as domicile is not an essential prerequisite under the Legitimacy Ordinance, 1930, it would be competent to the parent of such offspring to come to this Colony and then legitimate their offspring with all the consequences of legitimation following on that Act. The amending Ordinance of 1931, while continuing the omission of the clause debarring from legitimation the offspring of adulterous intercourse, substitutes the test of domicile for the test of residence in applying the provisions of the Legitimacy Ordinance, 1930. The other amendments are formal in character.

Arms (Traffic with Abyssinia).—On August 21, 1930, a treaty regulating the importation of arms and ammunition was signed on behalf of the

Governments of Great Britain, Northern Ireland, France, Italy and Ethiopia. Article XI of that treaty provides that the High Contracting Parties undertake that they will immediately put in force in their respective territories adjacent to Abyssinia all the regulations necessary to comply with the conditions imposed on Abyssinia in respect of the importation and use of arms in that treaty, and this Ordinance (No. 29) was therefore enacted.

Registration of Titles.—Ordinance No. 32 amends the Registration of Titles Ordinance (c. 142 of the Revised Edition) so as to make it clear that a lien by way of deposit of documents under that Ordinance creates a charge on the land included in the documents so deposited.

Game Birds Protection.—The object of Ordinance No. 36 is to give assistance to owners of land who are desirous of protecting game birds on their land. Prior to its enactment if a person trespassed and shot game birds on private land without the consent of the owner, the offender was only liable to a civil action brought by the owner for trespass. The Ordinance amends the law so that such an offender renders himself liable to a fine not exceeding £25 or imprisonment not exceeding two months or to both such fine and imprisonment.

Native Liquor.—The Native Liquor Ordinance, 1930, places upon an accused person an onus of proof regarding possession that is considered to be inequitable. The amending Ordinance (No. 39) makes it quite clear that it is only after it has been proved that materials or apparatus suitable for the manufacture of native liquor are found in possession of an accused person that the burden of proving innocent possession falls upon him.

Entertainments Tax.—Ordinance No. 56, which is a revenue measure, imposes a tax on entertainments.

Levy on Official Salaries.—Ordinance No. 57 empowers the Governor in Council by order to impose a levy not exceeding 20 per cent. on the salaries of officers in the public service.

2. NYASALAND.

[*Contributed by* H. G. Morgan, Esq., *Acting Attorney-General.*]

Crown Lands.—Ordinance No. 1 is a consolidating Ordinance and relates, as its title indicates, to Crown Lands. The Crown Lands Ordinance, 1912, the Crown Lands (Amendment) Ordinance, 1920, the Lands Tax and Rents Recovery Ordinance, 1915 (No. 2) are repealed by s. 3, but a "saving clause" is included.

Diseases of Animals.—Ordinance No. 5 amends the definition of the term "veterinary surgeon" and gives to the Chief Veterinary Officer certain interim powers when a state of emergency exists and pending action by Government.

Immigration Restriction.—A principal immigration officer may be appointed under Ordinance No. 7, as also assistants to him. Certain functions prior to such appointments originally exercised by the Governor may afterwards be exercised by the principal immigration officer, but an appeal lies in certain cases to the Governor.

Tobacco.—Ordinance No. 9 makes provision for the appointment of a Native Tobacco Board and gives it certain powers.

Deeds of Arrangement.—Ordinance No. 11 provides for all matters relating to deeds of arrangement.

Nursing Sisters' Retiring Allowances.—Ordinance No. 15 substitutes a new definition of the term " nursing sister."

3. TANGANYIKA TERRITORY.

[*Contributed by* H. Ralph Hone, Esq., M.C., LL.B., *Crown Counsel.*]

Ordinances passed—54.

Fire Inquiry.—Ordinance No. 4 requires the police to investigate into the cause of any fire resulting in injury to person or property, and calls upon the magistrate to hold a judicial inquiry unless he considers it unnecessary. After the holding of the inquiry, the magistrate records his finding and sends a copy to the Chief Secretary. The Ordinance permits interested parties to obtain copies of the inquiry on the same conditions as ordinary proceedings in subordinate courts.

Beer.—Ordinance No. 5 imposes licences and duties in respect of breweries and excise duties on beer brewed in the territory at the rate of 55 cents per gallon. The manufacture of beer is controlled and regulated in general accordance with the provisions of the Imperial Inland Revenue Act, 1880.

Medical Practitioners and Dentists.—This Ordinance (No. 6) gives power to the Board constituted under the principal Ordinance to recognize a medical or dental diploma granted in any part of the world as entitling practitioners to registration under the Ordinance. Prior to the introduction of this Ordinance, only persons who held diplomas recognized by the General Council of Medical Education in England were entitled to registration in the Territory. The amendment was necessary, as the previous law was in fact an infringement of Art. 7 of the Mandate granted by the League of Nations.

Destruction of Court Records.—Ordinance No. 7 empowers the High Court, with the approval of the Governor, to make rules to provide for the destruction or other disposal of records, books or papers in its custody or in the custody of any subordinate court, the Official Receiver or Administrator-General.

Census.—Ordinance No. 11 provides in the usual terms for the taking of a census of the non-native population in the Tanganyika Territory on an appointed day in 1931.

Credit to Natives (Restriction).—In this Ordinance (No. 16) the expression " native " is defined as any member of an African race, including a Swahili, but excluding a Somali or an Abyssinian. The law provides that no debt for money lent, goods supplied, or services of a professional nature rendered by a non-native shall be recoverable from a native unless either the transaction creating the debt has been reduced to writing and approved by an administrative officer, or the native holds a permit to contract such debts without the approval of an administrative officer. There are, however, four exceptions provided in the Ordinance, and it also enacts that no security, including a bill of exchange or promissory note, given by a native shall be enforceable for the payment of any debt which the Ordinance enacts shall not be recoverable.

Sale of Goods.—Ordinance No. 18 enacts the Imperial Sale of Goods Act, 1894, without any material amendments, and repeals Chapter VII of the Indian Contract Act previously in force in the Territory.

Bills of Exchange.—Ordinance No. 19 follows very closely the Imperial Bills of Exchange Act, 1882, as amended by the Bills of Exchange (Crossed Cheques) Act, 1906, and the Bills of Exchange (Time of Noting) Act, 1917.

Patents.—Ordinance No. 21 repeals the Patents Ordinance, 1928, which had never been brought into force in the Territory, and substitutes for a system of original registration a system of local re-registration of Letters Patent granted in the United Kingdom. A certificate of registration granted in the Territory confers on the holder the same rights, privileges and obligations as if the United Kingdom patent had been granted with an extension to the Territory. The Ordinance also enacts that the law relating to patents for the time being in force in the United Kingdom shall apply in the Territory.

Designs.—Ordinance No. 22 enacts in relation to designs similar legislation to that enacted for patents by Ordinance No. 21.

Trade Marks.—Ordinance No. 23 amends the trade marks legislation by providing that no marks usually known as cotton and steel marks shall be registered in the Territory unless they have previously been registered in the United Kingdom. Cotton and steel marks are so commonly used in the Territory that it was considered that the employment in the manner provided by this Ordinance of the machinery of the Sheffield and Manchester Trade Mark Offices, which are especially conversant with the technicalities of examining and registering these particular marks, would be of considerable value to manufacturers and afford them a greater measure of security and protection in the use of cotton and steel marks within the Territory.

Post Office.—Ordinance No. 24 is a comprehensive measure relating to the affairs of the Post Office, which repeals the Indian Post Office Act, 1898, previously in force in the Territory. The new Ordinance is modelled on a similar Ordinance of the Straits Settlements, and presents no unusual features.

Telegraphs.—Ordinance No. 25 is a consolidation of the law relating to telegraphs, and has been prepared on the lines of the Indian Telegraph Act, 1885, as amended by the Indian Telegraph Act, 1914. The expression "telegraph" in the Ordinance has been restricted to telegraphic and telephonic apparatus in which the use of wires connecting the sending and receiving instruments is an essential ingredient. The Ordinance contains important provisions regulating the placing of telegraph lines and preventing interference with the public use of roads and navigable waters.

Arbitration.—Ordinance No. 26 consolidates the law of arbitration in the Territory, and, in separate parts, applies the English Act of 1889 to disputes in the Territory, and the Geneva Protocols on Arbitration Clauses and Arbitral Awards of 1923 and 1927.

Advocates' Remuneration.—Ordinance No. 27 introduces into the law of the Territory the provisions of the Imperial Solicitors Acts of 1870 and 1881 in regard to agreements made by legal practitioners with their clients for remuneration. An advocate is authorized by s. 5 to charge interest at the rate of 6 per cent. per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill of costs to his client.

Weights and Measures.—Ordinance No. 29 is a somewhat unusual example of an Ordinance amending a law not yet brought into force.

The Weights and Measures Ordinance, 1924, was never put into operation in the Territory for want of an experienced, whole-time officer to inspect weights and measures. In 1931 such an officer was available, and to assist him in the proper execution of his duties the principal Ordinance was amended by introducing the majority of the sections of the Imperial Weights and Measures (Amendment) Act, 1926. In addition (owing to the repeal of the application of the Indian Penal Code), it was necessary to introduce a number of penal clauses modelled on the Imperial Law, which had been designedly omitted from the principal Ordinance. Opportunity was also taken to introduce a clause modelled on the South African law to deal in simple form with the offence of giving short weight or measure on the sale of any commodity.

Electricity.—Ordinance No. 32 is a substantive body of law relating to the generation and supply of electrical energy, repealing the application of the Indian Electricity Act, 1910. The necessity for up-to-date legislation in this matter arose by reason of the fact that in 1931 the electrical undertakings in the various centres of the Territory, previously in the hands of the Government, were handed over to private enterprise under licences issued under the provisions of the new Ordinance.

Minor Settlements.—This Ordinance (No. 33) is designed to regulate the sanitation and kindred matters of small trading settlements which are to be found throughout the territory which for various reasons it is undesirable to declare as townships under the Townships Ordinance. For the most part these settlements are under the control of well-organized native authorities, and the few non-natives residing in them are generally Indian shop-keepers, who live on amicable terms with the local authorities. Provision is made in the Ordinance for the native authority and its servants to perform the simple duties which the sanitation of a minor settlement requires, and arrangements are made for the co-operation in this work of non-natives resident in the settlement, and for the general control by the District Officer, with a right of appeal to him in cases of dispute. In some few cases, minor settlements exist in places where there is no competent native authority, and the Ordinance makes provision for the appointment of suitable persons to exercise the necessary powers. Extensive rule-making power is conferred by the Ordinance. By initiating in such cases a simple form of local government, the settlement will be prepared to play their part as municipalities when their size or importance justifies the conferment of a higher status.

Carriage of Goods by Motor (Control).—Ordinance No. 34 represents an attempt of Tanganyika to solve the difficulty of increasing loss of railway revenue arising from motor-lorry competition on roads. A special licence fee is imposed on vehicles running between fixed points on some half-dozen main roads. The granting of licences is vested in a Board which, in granting licences, is required to consider the condition of the roads on the proposed route, the extent to which the proposed service is necessary in the public interest, the facilities already existing on the routes in question and the need of the area to be served. The licences payable are set out in a schedule which may be varied by the Governor on the advice of the Board and with the approval of the Legislative Council. In all essentials the Ordinance follows the provisions of a similar Ordinance passed in Kenya.

Stamp Duties.—Ordinance No. 36 is a comprehensive law, replacing the Indian Stamp Act, 1899, previously applied to the Territory. The

schedule of fees is brought into conformity with those obtaining in Kenya and Uganda.

German Missions (Re-vesting).—Ordinance No. 40 re-vests all former German Mission property in its original owners. Upon the conclusion of the Treaty of Peace, the German Mission properties had been vested in Boards of Trustees, and in pursuance of the general policy of reconciliation, it was decided to cease such administration.

Evidence (Bankers' Books).—Ordinance No. 41 applies, without modification, the provisions of the Imperial Bankers' Books Evidence Act, 1879, to the territory.

Administrator-General.—No. 44 is an Ordinance regulating the disposal of certain balances of money lying in the hands of the Administrator-General. From time to time in the administration of numerous small estates, the Administrator-General has found himself in possession of sufficient funds to place sums upon fixed deposit in a local bank. The interest earned from such deposits has, except in the case of large estates, been credited for several years to government revenue without any statutory authority for such procedure. An attempt was made to allocate the interest earned among the various estates, but the necessary accounting was so involved and troublesome as to be beyond the capacity of the available staff. This Ordinance was therefore passed to validate what had been done in the past, and to regularize the payment of such interest to Government in the future.

Railways.—Ordinance No. 45 replaces the Indian Railways Act, 1890, previously applied to the Territory, and deals in a much more satisfactory manner with railway matters arising in the Territory. The scope of the Ordinance is not restricted to the working of railways in the generally accepted sense, but covers, in addition, the activities of the railway administration in relation to port management and control. In particular, the Ordinance, following the South African Railways Act of 1916, defines the liability of the railway administration for the safety of passengers and goods, thereby codifying common law and incorporating the standard conditions recognized by the Railway Rates Tribunal in England. The penal sections have been largely re-modelled, and the English law relating to railway fires has been incorporated in the Ordinance. It is also provided that the railway administration may sue and be sued as such, and in regard to railway litigation dispenses with the unsatisfactory Crown procedure which was previously in force in the Territory.

Companies.—Ordinance No. 46 replaces the Indian Companies Act, 1913, previously applied to the Territory, and enacts in its place practically the whole of the provisions of the Imperial Companies Act, 1929.

Excise Agreements.—Ordinance No. 49 empowers the Governor, by and with the advice of his Executive Council, to enter into reciprocal arrangements with regard to the imposition of excise duties with the Governors of other East African dependencies.

Land Acquisition.—Ordinance No. 54 amends the Land Acquisition Ordinance to enable companies under certain conditions to acquire land compulsorily. Such powers are conferred upon companies by the Governor only when he is satisfied that the land is required for the construction of works of public utility and subject to the provision of proper security for the payment of the cost of the land acquired and the necessary compensation.

4. UGANDA.

[*Contributed by* NEVILLE TURTON, ESQ., *Solicitor-General.*]

Ordinances passed—37.

Medical Registration.—No. 1 amends the Medical Registration Ordinance and provides that senior native medical assistants in the government service may be licensed as medical practitioners, a licence granted may be withdrawn at any time and shall be withdrawn when the senior native medical assistant leaves the government service. Senior native medical assistants are trained locally.

Registration of Business Names.—No. 4 provides that no business name shall be registered without the approval of the Governor which expresses or implies the sanction, approval or patronage of the Crown, of a Government or of a Native Administration or of an officer thereof. This goes beyond English legislation, where no one imagines that the Prince of Wales Hotel is run by the Prince of Wales or His Majesty's Theatre is owned by the King, but the position is different locally, especially when native titles are used.

Drugs and Poisons.—Under Ordinance No. 10 a licence is required to sell poisons or to carry on the business of dispensing drugs, provision being made for the exemption of hospital dispensers. The qualifications are laid down in s. 11; there is no provision for qualifying locally.

Excise.—Provision is made in Ordinance No. 23 for a small excise duty on sugar, tea, cigarettes and other manufactured tobacco.

Official Salaries.—Two Ordinances, Nos. 26 and 36, empower the Governor in Council to impose a levy on official salaries and on the salaries of officers serving under the High Commissioner of Transport, but no levy was imposed during 1931.

Industrial Employment.—Ordinance No. 32 puts into local operation the provisions of the Convention concerning the employment of women during the night which was adopted at a General Conference of the International Labour Organization of the League of Nations held at Washington on October 29, 1919. The Ordinance refers only to the employment of women in industrial undertakings, but is wider in scope than the Convention, in that by rule, power is reserved to control generally the employment of women in industrial undertakings, and in particular, power is given to prohibit or restrict the employment of women before or after child-birth and in certain specific classes of industrial undertakings.

Forced and Compulsory Labour.—Ordinance No. 33 amends the Native Authority Ordinance to give effect to Art. 11 of the Draft Convention concerning forced and compulsory labour held at Geneva on June 28, 1930, which requires that only adult male natives of not less than eighteen or more than forty-five years may be called upon for forced or compulsory labour as defined by the Convention.

Ordinance No. 34 amends the Collective Punishment Ordinance by repealing those sections which contained provisions for forced or compulsory labour by the community as one of the methods of punishment. Such provisions being contrary to Art. 20 of the Convention referred to above.

Trading Licences.—Ordinance No. 37 requires natives, formerly exempt, to take out trading licences, but at less fee than for non-natives.

5. ZANZIBAR.

[*Contributed by* A. W. Doorly, Esq., *Attorney-General.*]

Decrees enacted—31.

Apart from merely amending legislation, the principal Decrees passed during the year were :

Employment of Native Labour.—By the repeal (No. 1) of the Native Labour Decree all provision for forced labour for any purpose was removed from the Statute-book.

Trade Unions.—This Decree (No. 6) merely defines a trade union and saves trade unions as defined in the Decree from being criminal or unlawful even though in restraint of trade. Power is given to the British Resident by the legislation to make rules for the registration of trade unions, as to the fees and for the better carrying out of the provisions of the Decree.

The Decree was promulgated in order that there should be legislation to regulate unions if they at any time come into existence. At the present the trade-union movement can hardly be said to exist in the Protectorate.

Census.—No. 7 gives power to the British Resident to order a census to be taken and to appoint a superintendent, to whom is given various necessary powers and duties connected with the taking of a census.

Air Navigation.—No. 9 provides for the application of certain Orders in Council relating to air navigation to Zanzibar and provides further for the application of future Air Navigation Orders in Council to Zanzibar by notice in the *Official Gazette.* The object of the legislation was to render subjects of His Highness the Sultan amenable to such of the Orders in Council relating to air navigation as are applied to Zanzibar.

Transfer of Agricultural Produce.—By this Decree (No. 21) provision is made for the taking of security on and the transfer of agricultural produce. The chattel mortgage is introduced and machinery instituted for its registration. The form of the instrument is laid down by the Decree, and the period during which the security holds good is limited to one year from the date of the registration of the instrument.

His Highness the Sultan in Executive Council (Assignment of Power to make Rules).—Heretofore the power to make rules under Decrees had been conferred by legislation upon the British Resident. In 1926, however, His Highness the Sultan by the Zanzibar Councils Decree had appointed an Executive Council with himself as president and the British Resident as vice-president. It appeared therefore to be more in conformity with constitutional practice that the power to make rules under legislation should be vested in His Highness in Executive Council (No. 23).

Provincial Administration and Authority.—No. 25 consolidates and adds to former legislation. It declares the Provincial Administration to consist of provincial commissioners, district officers, mudirs, masheha and headmen, and provides for the duties and powers of each such official. The Decree does not apply in the towns, and is in fact largely concerned with the setting up of a sort of country constabulary where no regular police force is available.

6. ANGLO-EGYPTIAN SUDAN.

[*Contributed by the* Hon. the Advocate-General.]

Ordinances passed—12.

Apart from legislation dealing with the amendment of existing legislation, the most important amendments have been as follows :

Registration of Business Names.—Ordinance No. 5 provides for the registration of the business names of persons and firms.

Chiefs' Courts.—Ordinance No. 10 defines and regulates the powers of chiefs' courts in the three southern provinces of the Sudan.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by the* Hon. Hector Josephs, K.C., *Attorney-General.*]

There were thirty public Ordinances passed during the year. The principal of these were :

Deeds Registry.—The system of conveyancing of land in the Colony is governed partly by Roman Dutch Common Law and partly by the Deeds Registry Ordinance, c. 177. An essential of the actual conveyance is that the parties concerned shall appear before a judge of the Supreme Court and assert that they are willing parties to the transfer ; thereupon they execute the transport, to the validity of which the attestation of the judge, endorsed on the document, is necessary. The effect of Ordinance No. 2 is to relieve judges of this duty, which is in most cases formal, by conferring on the registrar authority to pass transports. In this connexion it might be mentioned that in Ceylon the necessity for attestation of a transport by a judge ceased many years ago, and for some years the power of performing this function has been conferred on the registrar in the Union of South Africa. Provision is made for an appeal from the registrar to a judge in chambers by any person affected by an order or decision of the registrar. There is also an appeal to the Full Court from a judge of the court refusing to permit the passing of a transport, mortgage, etc., or from any order or decision of a judge in chambers. The power to frame rules and regulations conferred on the Legislative Council by s. 8 of c. 177, and the power by s. 40 of the same Ordinance to regulate fees and costs by Rules of Court, are by s. 6 of this Ordinance transferred to the Governor in Council.

Arbitration (Foreign Awards).—Ordinance No. 4 is to give effect to the Convention on the execution of arbitral awards, signed at Geneva on behalf of His Majesty on September 26, 1927.

Industrial and Provident Societies.—Ordinance No. 10 provides for the establishment and regulation of industrial and provident societies. There has developed recently among the peasant farmers a realization of the benefits to be obtained from intensive farming and the advantages of co-operative marketing of their products, whether for export or local consumption. The object of the Ordinance is to enable them to form societies to embark in various industries which will be primarily agri-

cultural. The Ordinance follows the Industrial and Provident Societies Act, 1893 (56 & 57 Vict., c. 39), as amended by the Industrial and Provident Societies (Amendment) Act, 1913 (3 & 4 Geo. V, c. 31), with the necessary modifications to suit local conditions.

Juvenile Offenders.—Ordinance No. 11 provides for proceedings in reference to juvenile offenders and establishes juvenile courts for the trial of such offenders. The Ordinance is an adaptation of a model Ordinance on the subject with the necessary modifications to suit local conditions.

Leprosy.—Ordinance No. 14 provides, *inter alia*, for the establishment of a Leprosy Board which consists of medical practitioners of experience in leprosy. The Board comprises the advisers of the Surgeon-General and of the Governor on any questions relating to leprosy. Provision is made for the discovery of cases of leprosy by the requirement for compulsory notification by laymen and medical practitioners. A medical practitioner who receives notice of a case of leprosy is required to examine the case, and if he is satisfied that the person is suffering from leprosy he must report to the Surgeon-General. The latter may thereafter cause the patient to be examined, and if the patient is suffering from leprosy the Colonial Secretary may, on the direction of the Governor, order the patient to be removed to the Leprosy Hospital. A person who is certified has the right to challenge the certificate of leprosy before a magistrate. Provision is made for the discharge conditionally, on parole and unconditionally of patients in the hospital. A patient disregarding the terms and conditions of his discharge is liable to be taken back to the hospital. An important feature in the Ordinance is provision for voluntary admission of patients to the hospital and for the treatment of indoor and outdoor patients. Formerly admission was by a magistrate's order on the application of a person bound to maintain a leper or on information upon oath that the leper was wandering about begging or exposing leprosy. This condition is removed. The expression " Leprosy Hospital " takes the place of the old " Leper Asylum."

Legal Practitioners (Definition of Functions).—In this Colony the legal profession consists of barristers who are members of the English Bar, and solicitors who after serving Articles pass examinations of the Law Society. They are both styled " legal practitioners." The distinction as to the special practice of the two branches of the profession which obtains in England does not exist in this Colony. Solicitors carry on the ordinary practice of their profession and have the right of audience in the magistrates' courts, and in actions in the Supreme Court as a court of first instance where the claim does not exceed $250. Barristers have the exclusive right of audience in the Supreme Court (other than in the cases mentioned above) and in the West Indian Court of Appeal; but, on the other hand, they do a great deal of work which strictly appertains to solicitors. In order that the spheres of the two branches should be strictly defined, meetings of the profession have been held, and the judges of the Supreme Court gave advice on the subject. Ordinance No. 15 is the outcome of these deliberations, the object being to define the scope of practice of each branch of the profession.

Mining.—Ordinance No. 20 amends the Mining (Consolidation) Ordinance, c. 175, with respect to the areas to be granted by concession, mining on private lands and the refund of deposits. The area under which an exclusive permission may be granted without the prior approval of the Secretary of State is increased from 500 to 1,000 acres. The number of

advertisements required to be published under s. 27 of the Mining (Consolidation) Ordinance, of the intention to grant a concession or lease, is reduced from three successive Saturdays to a minimum of two advertisements. S. 52 as now enacted preserves the rights of owners of private lands granted prior to the Mining Ordinance, 1903, to base minerals, which rights are correctly stated in s. 53 of c. 175, but erroneously so in s. 52. The right to a refund of fees and deposits on the refusal to grant a concession is abolished. The question of refunds can be dealt with by regulations. In the Mining Regulations certain fees are irrecoverable in any event, while it may be just to refund others where the lease, etc., is cancelled.

Molasses (Disposal).—Ordinance No. 23 provides for the regulation of the sale and disposal of molasses other than for export. Illegal distillation of rum is principally done from molasses, a good deal of which is sold from sugar estates. It is readily procurable, and it is easier to distil " bush rum " from this source than to go through the process of manufacture from sugar cane. S. 2 provides that every person who disposes of molasses shall keep a molasses disposal book in which he shall record the prescribed particulars. Every month there is to be transmitted to the Chief Commissary an extract of the entries for the preceding month, and by s. 3 on the delivery of more than 2 gallons of molasses a certificate is to be issued to the person receiving it, and the latter is forbidden to remove it without the certificate. The effect of the Ordinance is that it will be possible to trace the persons who have obtained molasses and, incidentally, to restrict the manufacture of bush rum. The Ordinance will in no way affect the dealings in molasses.

Criminal Law (Procedure).—Ordinance No. 27 amends the law with respect to the sums payable to jurors and certain classes of witnesses who attend at the criminal sessions of the Supreme Court. The amounts paid as fees and travelling allowances to jurors are considerably in excess of those paid in neighbouring colonies, while in England and several colonies jurors in criminal cases are not paid. The Ordinance reduces the amounts payable to jurors. Jurors residing within easy reach of the respective court-houses will not be paid any fees in future unless they satisfy the taxing officer that they have incurred loss by attending the court. Little or no loss is incurred by them by their attendance at court in the performance of a public duty, and when not actually impanelled they may carry on their ordinary avocations. Witnesses similarly situated will not be paid. The Governor in Council may by order amend or alter the schedules fixing the remuneration of jurors and witnesses, and the Legislative Council by resolution may request that an Order be annulled.

Transport and Harbours.—Ordinance No. 30 establishes a Transport and Harbours Department for the purpose of managing and carrying on the railways and government vessels and of controlling and regulating the use of the harbours of the Colony and to create a Board of Commissioners of the Department. The Ordinance gives statutory authority for the combination of the Colonial Transport Department and the Harbours and Pilotage Department, and constitutes a new department to be styled the Transport and Harbours Department, to be managed by a Board of Commissioners. The Ordinance is composed of Part II of the Railway and Colonial Transport Ordinance, c. 112, and the Harbours and Pilotage Ordinance, c. 119, and is in effect a consolidation of those Ordinances.

XII. WEST INDIES.

1. BAHAMAS.

[*Contributed by the* HON. HARCOURT MALCOLM, K.C., *Speaker of the House of Assembly.*]

Acts passed—29.

Tariff.—C. 1 re-enacts the Tariff Act, 1919, with the following modifications: (1) For protective purposes, a flexible import duty is placed on certain agricultural products. The Governor in Council is authorized to change, by Order in Council, the rates of duty, from time to time, on a sliding scale. (2) The Governor in Council may remit to the importer of goods, for the use of a church or chapel, the duties of customs (not over £10) which have been paid on such goods.

Medical.—C. 5 re-enacts the Medical Department Act, 1928, with, *inter alia*, the following change: The requisite of ten years' experience to be qualified as Chief Medical Officer is reduced to five years.

Judgments.—C. 10 gives priority to judgments of the Supreme Court according to the respective days on which they were or may be filed of record in the Registry. Two or more judgments filed on the same day shall have equal priority, without reference to the particular hour of the day of filing. The Act is operative as from April 1, 1926.

Arbitration.—The Arbitration Clauses (Protocol) Act, c. 11, gives effect in the Colony to a Protocol signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations held on September 24, 1923.

The Arbitration (Foreign Awards) Act, c. 12, makes provision and sets out the conditions for the enforcement of the Arbitration Clauses (Protocol) Act, 1931.

Aliens' Restriction.—C. 13 prohibits an alien from acting as master of a mail or passenger ship or as skipper or second hand of a fishing boat registered in the Colony. The Act excepts ships or boats employed habitually outside the Colony or those aliens who are certified by the Admiralty as having performed good and faithful service as master, skipper or second hand of a British fishing boat during the War.

Currency Notes.—C. 14 makes provision for the issuance of notes of any multiple of one pound.

Sisal Inspection and Grading.—C. 15 makes it compulsory for sisal to be inspected and graded before sale. Unfit sisal is to be confiscated. Sisal can be exported only from the port of Nassau or other ports approved by the Governor in Council.

Agricultural and Marine Products Board.—C. 16 gives to the Board additional authority, viz.: The Board may make rules for the following purposes: (1) the grading, packing and inspection of fruit and vegetable produce intended for export; (2) the disposal (including sale and purchase) of any sea products.

Board of Works.—C. 17 authorizes the Board to make rules for the regulation, control, restriction or prevention of the exhibition of any public advertisement and of any hoarding or similar structure for the purpose of any such advertisement.

Industrial Schools.—C. 18 deletes the definition of the term "court," thereby enabling the Chief Justice to order a child to be sent to the industrial school.

Merchant Service.—C. 20 requires the owner of a ship or vessel, in case of injury or illness, not through carelessness, to maintain and provide medical attendance and medicine for the master and/or seaman of his ship or vessel.

Penal Code.—C. 22 makes the following changes to c. 60 : (1) Authority is taken away from the Commissioner of a district to grant licences to catch or kill pigs. (2) Authority is given the court to award corporal punishment, in addition to imprisonment, to any male who causes criminal harm to any person. (3) In the case of a woman who causes the death of her newly-born child while of unbalanced mind, she is regarded as being guilty of infanticide.

Escheat.—By c. 23 the personal estate of intestates, who die without heirs or next of kin, shall form a part of the Crown Funds of the Colony. The equity side of the court shall consider questions of escheat.

2. BARBADOS.

[*Contributed by* C. V. H. Archer, Esq.]

Thirty-one Acts were passed during the year 1931. Of these the most important are the following :

Public Health.—S. 46 of Act 1908–9 prohibits the keeping of swine in any of the towns of the Island and No. 15 of 1930 extended the area to which this prohibition applied. No. 4 of 1931 repeals No. 15 of 1930 and permits the keeping of swine in the extended area under licences to be obtained from the Commissioners of Health.

Agriculture.—No. 5 incorporates an association formed for the purpose of encouraging the marketing of the agricultural products of the Island co-operatively.

Elections.—No. 9 relates to procedure at elections of members to serve in the General Assembly or in the several vestries of the Island and provides, *inter alia*, for a sufficient number of polling stations for the electors of any constituency with an officer to preside over each such polling station.

Property and Conveyancing.—No. 11 assimilates the law relating to personal property to the law relating to real property in respect of its vesting and devolution in a corporation sole.

Roads.—No. 19 authorizes the raising of a loan to meet the cost to be incurred in reconditioning and reconstructing roads.

Control of Prices.—No. 22 empowers the Governor in Executive Committee to control the prices of necessary commodities on the occurrence of a hurricane or earthquake.

Postage.—No. 25 alters the rates of postage on local newspapers.

Income-tax.—S. 2 of No. 26 substitutes a single Commissioner for the board of three persons who formerly administered the provisions of No. 35 of 1921. S. 3 imposes a flat rate of tax on companies other than non-resident shipping companies, while s. 4 repeats the provisions of s. 32 of No. 43 of 1922 (an income-tax amending Act) and requires every company, upon payment of a dividend, to furnish each shareholder with a certificate showing the amount of the dividend paid and the amount of income-tax deducted by the company, which deduction is authorized by the said s. 4.

3. JAMAICA.

Laws passed—35.

Public Bodies Corrupt Practices.—No. 4 provides for the more effectual prevention and punishment of bribery and corruption of and by members, officers or servants of corporations, councils, parochial and other boards, commissioners or other public bodies.

Entertainments Duty.—No. 6 repeals the laws relating to entertainments duty.

Resident Magistrates.—No. 7 adds law agents admitted to practise in Scotland as persons qualified for appointment as resident magistrates.

Customs.—No. 15 extends the provisions of the Customs (Importation Prohibition) Law, 23 of 1916, to the Dependency of the Turks and Caicos Islands.

Arbitration.—No. 17 gives effect to the Convention on the execution of arbitral awards signed at Geneva on September 26, 1927.

No. 18 gives effect to the Protocol on Arbitration Clauses signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations held on September 24, 1923.

Coconut Industry Aid.—No. 23, in aid of the coconut industry, and to promote, aid and encourage the local manufacture of edible oils, provides for the appointment by the Governor of a Board to be called "The Coconut Products Board," prohibits the import of edible oil except under licence from the Governor. The Governor is also given power to control the export of copra and edible oil, and to fix maximum retail prices for the various grades of edible oil. Penalties are imposed for contravention of the law. Part II gives power to the Governor in Privy Council by proclamation to impose a duty on edible oil, and Part III provides for an excise duty on edible oils manufactured in Jamaica of 9*d.* per gallon, and a licence duty of £1 per annum for each edible oil manufactory.

Bankruptcy.—By No. 29 an amendment of the law is made by adopting the definition of debtor from the English Act of 4 & 5 Geo. 5, c. 29. Provision is made for dealing with non-resident debtors acting through agents on the Island. English legislation is also adopted in reference to the proof of debt and the position of the husband's claims in regard to a married woman's bankruptcy and vice versa.

Children and Young Persons.—No. 32 gives power, when an offence is charged against a child, to any magisterial or petty sessions court to hear the case *in camera.* Power is also given to clear the court during the taking of the evidence of a child or young person in any proceedings relating to an offence against or any conduct contrary to decency or morality; this section does not authorize the exclusion of *bona fide* representatives of newspapers. The law also prohibits the presence of children in court during the trial of other persons.

4. WINDWARD ISLANDS.

(i) Grenada.

[*Contributed by* The Hon. J. H. Jarrett, *Attorney-General.*]

During the year 1931, twelve Ordinances were enacted, of which the most important were the following:

Police Pensions.—Ordinance No. 1 is a close adaptation of the Leeward

Islands Act No. 1 of 1929, and provides for more satisfactory arrangements for the police force and offers an inducement to its members to remain in the service for a longer period of eighteen years.

Primary Education.—Ordinance No. 4 consolidates and amends the various educational enactments relating to Public Primary Education in the Colony and gives effect to the recommendations of various committees since 1921 as far as practicable within a denominational system, thus creating a definite advancement in the educational policy of the Colony.

Head Teachers' Pensions.—Ordinance No. 5 provides for pensions for head teachers after long service as well as for death gratuities after minimum service of five years. This Ordinance follows generally the Trinidad School Teachers Pensions Ordinance, 1929.

Water Supply.—Ordinance No. 6 reproduces in a consolidated and amended form the various enactments relating to the regulation, maintenance and control of the public water supplies in the Colony. Provision is made for the relinquishment by a district board of its duties, powers and responsibilities in favour of the Central Water Authority created in 1928 and for schemes for the construction of additional water works to be submitted to Legislative Council for approval by Resolution in the form of Provisional Orders.

(ii) Saint Lucia.

[*Contributed by* J. E. M. Salmon, Esq.]

Ordinances passed—21.

Agriculture.—The Agricultural Credit Societies Amendment Ordinance No. 7 provides for the appointment of receivers to supersede the trustees, committee of management and other officers of existing societies and to wind them up.

No. 3 amends the Plants Protection Ordinance by repealing the exemption accorded to vegetables or fruit imported for consumption as food. It also authorizes the Governor in Council to prohibit the importation from any country or place of any plants, etc., likely to introduce any plant disease or pest into the Colony.

Arbitration.—The Arbitration (Foreign Awards) Ordinance No. 10 enacts provisions to enable the Convention on the execution of Arbitral Awards signed at Geneva on August 26, 1927, on behalf of His Majesty to become operative in St. Lucia. It prescribes the conditions for enforcement of foreign awards and also the evidence to be produced before enforcement of such awards in the Colony.

Census.—In order to save the cost of taking the census, No. 9 repeals No. 12 of 1930, which provided for the taking of a census in 1931.

Emigration.—No. 21 amends the Emigrants Protection Ordinance, 1928, No. 16, by repealing the provision requiring the payment by a recruiting agent of a fee of 10*s.* for each labourer recruited by him proceeding to a notified place.

Legal.—No. 8 amends the Legal Practitioners Ordinance No. 52, 1916 revision. It provides for admission to the local bar of solicitors of the United Kingdom or of law agents (Scotland).

No. 18 fixes the bailiff's mileage fee for seizures in execution. It amends the Royal Court Amendment Ordinance, 1921, No. 4.

Medical.—No. 16 amends the Medical Registration Ordinance, 1916

Revision No. 72, as to the conditions governing the grant of a druggist's licence.

Public Health.—No. 17 consolidates and amends the law relating to Public Health. It repeals existing ordinances on the subject. It provides a central health authority for the Colony.

Public Officers.—No. 1, Police Pensions, regulates the grant of pensions and other allowances to non-commissioned officers and privates of the police force.

No. 6, Prison Officers Pensions, regulates the grant of pensions and other allowances to prison officers.

No. 4, Pensions Amendment, regulates the period for notification by resident or non-resident public officials of their intention to take a reduced pension and gratuity.

Revenue.—Customs Duties No. 5 amends the import duties on sugar.

No. 13 provides for the exemption from import duties of articles for the official use of foreign consulates.

No. 14 amends the import duties on grain, oil and spirits.

No. 19 amends the Liquor Licence Ordinance, 1924, No. 4, by providing for half-yearly, instead of annual, licences for the sale of intoxicating liquor.

No. 15, Rural House Tax Amendment, exempts from tax houses of an assessed annual rental of £5 or under.

Shipping.—No. 2 amends the Shipping Ordinance, 1916 revision No. 40, as to the detention of foreign ships coming into any port of the Colony for the purpose of taking oil fuel, or refuelling or taking in water or stores.

(iii) Saint Vincent.

[*Contributed by* J. R. Gregg, Esq., *Attorney-General.*]

During 1931 twenty-four Ordinances were passed, of which the following are the principal:

Co-operative Arrowroot Association Loan.—Ordinance No. 3 was passed to authorize the Governor to make advances to the St. Vincent Co-operative Arrowroot Association from moneys loaned to the Government of the Colony under the Colonial Development Act, 1929, and to make provision to secure the repayment thereof.

Infirm Paupers and Immigrants Regulation.—Ordinance No. 16 amends s. 4 (2) of the principal Ordinance (Cap. 55, Revised Edition of Laws, 1926), which deals with restrictions on the landing of infirm paupers or destitute immigrants, by the insertion of the words " if a native of a British West Indian Island or British Guiana and the sum of twenty pounds if a native of any other place " after the word " pounds " in line 2 thereof.

Exportation of Fruit.—Ordinance No. 20 provides for government supervision of the export and packing of fruit.

5. TRINIDAD AND TOBAGO.

[*Contributed by* L. H. Whitehead, Esq.]

Acts passed—42.

The following Ordinances were passed during the year 1931:

Food and Drugs.—Ordinance No. 2 legalizes the sale in the bottles in which it is imported of brandy more than 25 degrees under proof.

Industrial Training.—Ordinance No. 4 transfers to the Board of Industrial Training the property and functions of the lately dissolved body known as the Royal Victorian Institute, and extends the age limit for apprenticing from 17 to 21.

Post Office.—Ordinance No. 7 provides for the licensing of postal franking machines.

Estate and Succession Duties.—Ordinance No. 9 repeals and re-enacts with amendments the existing law relating to estate duty, and provides for the imposition of a succession duty.

Juvenile Offenders.—Ordinance No. 11 brings local legislation relating to the trial and punishment of juvenile offenders into line with a model draft Bill approved at the last Colonial Office Conference.

Customs.—Ordinance No. 12 facilitates the transaction of business by providing that declarations may be made before any person approved by the Collector.

Stamp Duty.—Ordinance No. 13 exempts from stamp duty letters of authority given in connexion with customs business.

Compulsory Registration of Deeds.—Ordinance No. 15 is intended to prevent evasion of payment of estate duty in respect of deeds of gifts and settlements by making it compulsory to register all such deeds within three months of execution.

Advertisements Regulation.—Ordinance No. 16 regulates the erection of hoardings and the exhibition of advertisements with a view to prevent disfigurement of the natural beauty and amenities of the Colony.

Pauper Immigration.—Ordinance No. 18 provides greater restrictions on immigration into the Colony.

Bankruptcy.—Ordinance No. 19 introduces the provisions of the English Bankruptcy (Amendment) Act of 1926.

Cocoa Industry Relief.—Ordinance No. 21 restricts the conditions on which annual advances may be made to cocoa estate owners.

Ordinance No. 33 further amends the principal Ordinance by extending the meaning of the term " owner " and by enabling advances to be made to owners mortgaged to the Agricultural Bank without the Bank losing its priority.

Cinematograph.—Ordinance No. 22 extends the powers of the censors to enable them to deal with phono-films, handbills, photos and pictures, and gives them power to approve a film subject to the excision of a part thereof.

Exportation of Fruit.—Ordinance No. 23 provides for the enforcement of recognized standard methods of conveying, grading, sizing and packing fruit for export to which the Ordinance is made to apply.

Agricultural Bank.—Ordinance No. 32 amends the principal Ordinance by extending the meaning of the term " owner " and providing that borrowers must pay into the bank the proceeds of sales of crops and produce ; and enables the Crown Solicitor to act as auctioneer when the bank puts properties up for sale.

Legacies (Payment into Treasury).—Ordinance No. 35 re-enacts certain provisions formerly included in the Estate Duty Ordinance enabling executors and administrators to pay into the Treasury legacies and residues of personal estates where owing to infancy or absence payment cannot be made to the person entitled thereto.

Criminal Justice.—Ordinance No. 36 adds larceny in a dwelling-house to the offences triable summarily with the consent of the accused.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by the* Hon. John Discombe, *Acting Attorney-General.*]

During the year 1931 twelve Ordinances were enacted :

The following are those of interest :

Protection of Birds.—Ordinance No. 2 follows closely on the lines of the Imperial Act (15 & 16 Geo. V, c. 31) and, in addition, makes it an offence to have in one's control or possession any bird which is blind.

Summary Conviction. — No. 4 amends the Summary Conviction Ordinance with respect to male persons trading in prostitution or living on the proceeds of prostitution.

Museum.—Ordinance No. 5 deals with the ownership of antiquities, whether moveable or immoveable, and makes provision for the management of the Museum ; and all such antiquities which may come into the possession of the Government are to be held in trust for the inhabitants of Gibraltar.

Capital Duties Partial Exemption.—Ordinance No. 6 provides that where a company, which has been carrying on business and might have been registered in Gibraltar if there had been in existence at the time of its formation any legislation in Gibraltar providing for the registration of companies, registers now under the Companies Ordinance, 1930, it shall pay only half the ordinary capital duty of 1 per cent.

Petroleum.—Ordinance No. 10 regulates the importation, storage and handling of petroleum.

Military Stores.—Ordinance No. 11 regulates the importation into and the exportation from Gibraltar of arms, military stores and other articles which are set out in a Schedule. A licence is needed in every case and the list of articles to which the Ordinance applies may be added to from time to time by the Governor.

Power is conferred to make rules as to the mooring in the Bay of Gibraltar of ships carrying articles subject to the Ordinance and as to the lading or unlading of such ships.

The exportation of any article, which the Governor may deem capable of being converted into or made useful for increasing the stores or equipment of Gibraltar and also any food, may be prohibited by proclamation, and in case of emergency no article may be exported without a permit.

In order to give effect to any International Convention relating to the trade in arms and ammunition, the Governor may prohibit the exportation of any article to which such Convention relates.

Provision is made for the prosecution of offences against the Ordinance, for search warrants with respect to premises and to ships in the Bay and for the forfeiture of articles which have been seized in connexion with breaches of the provisions of the Ordinance.

Food and Drugs (Adulteration).—Ordinance No. 12 is substantially the same as the Imperial Act 18 & 19 Geo. V, c. 31.

2. CYPRUS.

[*Contributed by the* Hon. H. W. B. Blackall, *Attorney-General.*]

During the year 1931 twenty-one Laws were enacted, of which the most important were the following :

Irrigation.—No. 1 amends and consolidates the Irrigation and Water

Law, 1887, and empowers, *inter alia*, committees elected under the Law to impose rates.

Oaths and Affidavits.—No. 2 makes provisions for the administration of oaths for which provision is not otherwise made, *e.g.* declarations under the Naturalization Act and documents required for use in the Colony or in England.

Fisheries.—No. 3 regulates and controls fishing in the Colony and ensures that in taking fish no practices are followed and no equipment employed which might cause damage to immature fish.

Advocates.—No. 4 entitles Scottish law agents to practise as advocates in the Colony.

Corporate Bodies.—No. 5 extends the provisions of the Corporate Bodies (Immoveable Property Registration) Law, 1908, to partnerships formed under the Partnership Law, 1928, so that registration may be made in the partnership name of immoveable property held by it. It also makes it clear that companies and co-operative societies, if given power to hold property by the Laws under which they are formed, can be registered as the owners of immoveable property in the books of the Land Registry Office.

Stamp.—No. 6 provides that certain documents requiring stamps may be stamped after their execution upon the payment of a penalty, and that unstamped documents may be received in evidence upon payment of the stamp duty together with the penalty. It also provides that the stamp upon cheques shall be impressed.

Compulsory Education.—No. 7 gives power to the Governor in Council upon the recommendation of a board of education to declare any area to be a compulsory school attendance area and imposes an obligation upon every parent of a child residing within a compulsory school attendance area to send such child to school.

Criminal Code.—No. 9 extends the power of imposing a fine instead of imprisonment in proper cases to all courts, including Assize Courts. It makes certain cases triable by the magisterial courts instead of assize courts with a view to cheapen and expedite the administration of criminal justice. It provides for the suppression of brothels on the lines of English law.

Hotels.—No. 11 empowers the Government to guarantee to any company with a certain financial status which is prepared to erect hotels in Cyprus a return of 5 per cent. upon the capital actually expended upon the erection and equipment of an hotel.

Village Roads.—No. 12 provides for the payment of contributions for the upkeep of village roads, but allows any contribution to be commuted at the option of the payer by work to be performed within a distance of not more than four miles from his village.

Customs, Excise and Revenue.—No. 13 prevents goods being imported under false invoices whereby the Customs may be defrauded.

Mental Patients.—No. 14 provides for the care and custody of mentally afflicted persons and the administration of their property, and repeals the Turkish laws on the subject.

Companies (Limited Liability).—No. 16 empowers a company limited by shares to issue redeemable preference shares and to reduce its share capital.

Flags.—No. 17 prohibits, subject to certain exceptions, the flying of flags in any place or on any building.

Bells.—No. 18 makes provisions for the control of the ringing of bells.

Village Authorities.—No. 19 introduces a new system for the selection of Mukhtars and Azas. It provides that one Mukhtar and four Azas from among the Christian community and one Mukhtar and four Azas from among the Moslem community shall respectively be appointed as a Village Commission by the Governor for every village or quarter.

Reparation Impost.—No. 21 provides for the payment by certain towns and villages of sums due on account of the damage done and the expense incurred in consequence of disturbances which occurred in the Colony.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D., *Legal Adviser to the Maltese Government in London.*]

Ordinances passed—29.

Legislation passed in 1931 was mainly of a provisional or emergency character, being limited to Ordinances enacted by the Governor under s. 4 of the Malta (Temporary Government) Order in Council, 1930.

Traffic Regulation.—Ordinance No. 10 sets up a Traffic Control Board for the purpose of advising the Commissioner of Police on all matters regarding the transport of passengers and the regulation of traffic of motor vehicles and ferry-boats within the island.

Identification of Accused Persons.—Ordinance No. 13 amends the Criminal Law by conferring power on the Maltese courts to order, on the application of the police, that any accused person be measured or photographed or that his finger-prints be taken, subject to the provision that if any accused person, not previously convicted, is acquitted, all records of his measurements, photographs and finger-prints must be either handed over to him or else destroyed.

Air Navigation.—Ordinance No. 22 applies the existing customs laws and regulations to the landing and departure of passengers and to the importation and exportation of goods by aircraft.

XIV. MIDDLE EAST.

1. PALESTINE.

[*Contributed by* Norman Bentwich, Esq., O.B.E., M.C.]

Ordinances passed—13.

The Palestine legislature had a comparative holiday in 1931, but two measures of legislation of great importance in the country were issued in the form of Orders in Council in England. The one amended the law of citizenship, and the other gave power to the High Commissioner to make regulations concerning the Holy Place at Jerusalem known as the Wailing Wall. That site had been the subject of investigation by an International Commission, following on the riots of 1929, which arose from the conflicts of Arabs and Jews over the right of Jewish prayer at this place. Contravention of a regulation made by the High Commissioner is punishable with six months' imprisonment and a fine of £P.50, and the Supreme

Court may make mandatory orders and issue injunctions necessary for the observance of the regulations.

Imprisonment for Debt.—Ordinance No. 8 amends the existing Ottoman law by restricting the form of coercion to compel payment. The creditor is required to advance to the Government the cost of maintaining the debtor in prison. The period of detention is reduced normally from ninety-one to twenty-one days, and a person under 18 years of age is not to be imprisoned. Save in special cases, an order of committal is only to be made if the execution officer is satisfied by sworn evidence that the debtor has the means to pay the sum due and refuses or neglects to pay it, or has taken steps to prevent the creditor from obtaining payment of the debt.

Protection of Cultivators.—This is an amending Ordinance of the principal enactment of 1929, which required a year's notice to be given to an agricultural tenant before eviction, and compensation to be paid to him for any improvements as well as for disturbance. The amending Ordinance (No. 3) lays down that for the period of a year no order of eviction shall be made, save in case of failure to pay rent or to cultivate the land reasonably, unless the High Commissioner further is satisfied that equivalent provision has been made towards the livelihood of the tenant. And the protection applies also to a person who has exercised continuously for five years the practice of grazing animals, or other beneficial occupation of a similar character.

Census.—In contemplation of the census which was taken in Palestine at the end of 1931, Ordinance No. 6 was passed which gives the High Commissioner power to make regulations providing for the duties of census officers and requiring persons to give information.

Tobacco Cultivation.—By Ordinance No. 7 a minimum area is prescribed for the cultivation of tobacco of 2 dunums—about half an acre.

Contempt of Court.—The law of contempt of court is amended (No. 9) by bringing the Court of Criminal Assize and the Special Tribunal which deals with conflicts between religious and civil courts within the scope of the law, and by modifying the rules concerning appeals.

Intoxicating Liquor (Sale on Credit).—Ordinance No. 1 prohibits the holder of a licence from supplying liquor for consumption on the premises, or the purchaser from consuming it, if it has not been paid for in cash or ordered with a meal and paid for with the meal. There is a saving for sale in army canteens and for liquor sold to a *bona fide* resident in an hotel.

Railways.—An amendment (No. 4) of the Railway Ordinance makes it an offence for a person to solicit custom as a guide or represent himself as the agent of an hotel on any railway premises unless he has authority from the general manager.

2. 'IRAQ.

[*Contributed by* H. I. Lloyd, Esq., O.B.E., M.C., *President of the Law Courts, Basrah.*]

1930.

During 1930 fifty-two laws and Ordinances were passed, of which one failed to receive the Royal Assent. Thirty-eight regulations (*Nidham*) were issued by the Council of Ministers under the authority of special laws, and these regulations have the full force of laws. In the following summary budget laws are not dealt with at all, and only a few of the more

important regulations. The Special Bench (*Diwan Khass*) for the Interpretation of Laws was convened once in order to interpret the obscurity contained in Art. 12 of the Ottoman Nidham, Tawjih al Jihat (Appointment of Guardians of Dedicated Lands), that is to say whether the word "children" therein mentioned includes "grand-children." The Bench held that in the absence of the words "of the body" the word "children" includes "grandchildren."

Agricultural Loans.—By Laws No. 37 and 43 the Minister of Finance, to assist cultivators of lands irrigated by pumps, is authorized to pay to the Khaniqin Oil Co. Ltd. two annas on each gallon of fuel oil sold for the working of agricultural pumps, and this loan is to be repaid without interest by cultivators in instalments before the end of September, 1931.

Regulation No. 37 extends the period for repayment of advances granted to cultivators who suffered from the flood of 1928.

Air Force.—Ordinance No. 22 provides funds for setting up an 'Iraq Air Force.

Army.—Law No. 15 provides that graduates of the staff college and of an engineering school whose course extends to five years may be granted two years' seniority.

Law No. 16 provides that any officer placed on half-pay on account of inefficiency shall lose seniority equal to the period he remains on half-pay, and if placed for a second time on half-pay for the same reason he shall forfeit double the period he so remains. If placed for a third time on half-pay for inefficiency he must be pensioned.

Law No. 10 provides for military pensions to retired officers, and to the families of deceased officers, on a contributory basis. Special provision is made for service in the Turkish army and in the Arab army in the Hijaz, Syria, Trans-Jordania and Palestine. An officer forfeits his pension if dismissed by an 'Iraqi court martial or sentenced to three years' or more imprisonment by the civil courts, but his family retain their right to pension on his death and while the officer is in prison. The law also lays down the rates of pension, but by Law No. 52 these are reduced.

Awqaf.—Regulation No. 22 lays down the establishment of the Awqaf department and its subsidiary sections.

Bridge Tolls.—Regulation No. 27 provides for a 50 per cent. reduction in the tolls of all bridges and ferries on means of transport carrying wheat or barley or both.

Civil Servants' Pensions.—Law No. 12 lays down the contribution payable by state officials towards retiring and family pensions, the conditions under which such pensions can be earned, the persons eligible and special pensions or gratuities granted in respect of incapacitation. An official forfeits his pension rights if imprisoned for three years or more on account of an offence not connected with his official duties and if imprisoned for one year in respect of a crime or delict connected with his official duties and if he enters the service of a foreign government without 'Iraq's permission. But the rights of his dependents revive after his death, and they are entitled to pension while he is in prison.

The rates of pension laid down in this law were subsequently reduced by Law No. 52.

Communications and Works Ministry.—Regulations Nos. 16 and 28 lay down the constitution of the Ministry which comprises the Departments of Public Works, Posts and Telegraphs and Railways, and which controls mines and concessions granted to oil and electricity companies. Care is

taken to define the position of the Adviser and to limit his activities to advice on technical matters. As many of the officials of this Ministry and its departments are foreigners, stress is laid on the necessity of communicating with other Ministers' departments and provincial authorities only through the Ministry.

Communities.—Ordinance No. 24 authorizes the issue of regulations governing the following matters in the Jewish and Armenian Orthodox Communities; appointment of President, composition of Councils Committees, election of members of such councils, procedure and mode of settling disputes within the Community.[1]

Defence Ministry.—Regulation No. 30 lays down the duties of the Minister and the Defence Council. The Defence Council is to be composed of the Minister, the C.G.S., the A.G., the Q.M.G. and Master-General of Ordnance and Supplies, the Finance Secretary, and the duties of each of its members are defined. A Selection Board and a Contracts Board are set up and their compositions and duties laid down.

The duties and powers of the Adviser and the British Military Mission are also defined.

Education (Primary Schools).—Regulations Nos. 19, 31 and 38 provide for free education to all pupils qualified to receive instruction without discrimination of race or religion. They are very comprehensive. The Arabic language is the language of instruction, except where the local vernacular is another language. The syllabus is to be "religious knowledge," Arabic language, mathematics, geography, history, object lessons, hygiene, agriculture, civics, ethics, English language, Arabic penmanship, drawing, handiwork, physical training, singing and the vernacular language of the area if other than Arabic. Every child between the ages of 6 and 14 is eligible provided he is free from disease, etc. Schools are closed from July 1 to September 31. The regulations provide for periods of instruction, examinations, discipline (including corporal punishment—expulsion can only be ordered by a majority of the whole school staff), duties and rights of headmasters and teachers.

Farming of Taxes.—Regulation No. 11 permits the fish tax, tolls of bridges and ferries and the butchery tax to be put out to farm instead of being collected by a government official.

Regulation No. 35 extends Regulation No. 16 of 1929 by authorizing the auctioning of a farm of tax for a portion of the original period of the farm when no bidders have come forward for the full period.

Finance Ministry.—Regulation No. 3 defines the duties of the Ministry and Adviser, the organization of the Ministry into departments and the duties and responsibilities of the departmental head. The only novel feature is that the heads of departments are not allowed to correspond directly with the administrative inspectors in the provinces. The Financial Adviser's duties are declared to be advisory, and not executive, but he may make proposals on financial matters on his own initiative, and is entitled to see all papers and to call for explanations from directors and heads of departments.

Flag.—Regulation No. 29 lays down the official buildings authorized to fly the 'Iraq national flag and the occasions when it shall be flown at

[1] Under the law of 'Iraq the various religious communities have extensive privileges, chief of which is jurisdiction over personal status questions. Disputes among the various parties within each community occasioned the enactment of this law.

mast-head and at half-mast. The erection of flag-staffs and the hoisting of the 'Iraq flag on private and unofficial buildings is prohibited without special permission.

Food.—Regulation No. 26, after defining "food," "unsound food," "milk," "dairy produce," "pasteurised milk," "condensed milk," "cream," "butter," "ghee," "margarine," "natural tea," "preservative," prohibits the sale, import, etc., of any unsound or dirty food and authorizes its seizure and destruction by the local health authority. Adulteration of food is defined and prohibited. The importation of foreign fats and tea is strictly controlled, and the use of saccharin in food is prohibited without special licence. Heavy penalties are provided for any infringement of the regulation.

Foreign Judgments.—Regulation No. 10 provides for the enforcement in 'Iraq of judgments issuing from the courts of India.

Game Protection.—Regulation No. 33 amends an old Turkish Nidham by prohibiting the shooting of gazelle, sandgrouse, partridge and other animals at all times and places.

Industry.—Law No. 45 extends the application of Law No. 14 of 1929 for the encouragement of industrial undertakings by allowing total or partial exemption from customs import duty in respect of raw materials required for the manufacture of articles in 'Iraq, provided that neither such raw materials nor an adequate substitute are obtainable in 'Iraq.

International Conventions—Opium.—Law No. 39 authorizes accession of 'Iraq to the opium convention and protocol signed at Geneva on February 19, 1925.

Interpretation of Laws.—Decision of the Diwan Al Tapir All Khass regarding Art. 2 (2) of the Law for the remission of Awqaf debts No. 7 for 1929. Remissions of debt on account of losses due to rebellion and acts of God cannot be claimed if reduction in the debt had previously been decreed for these reasons by a court of law.

Judges' Dress.—Regulations Nos. 4, 17 and 25 lay down that all judges and Qadhis (except those who wear the dress of Muslim jurists) shall wear in court a black gown with wide sleeves, a white vest with central frill, a black sidara with white band with two silk ribbons hanging down behind.

Ministry of Justice.—A special regulation prescribes the establishment of the Ministry of Justice, its officials, the division of duties among the departments attached thereto and their administration. The duties of the Judicial Adviser are clearly defined. They are purely advisory, but he has the right to call for necessary explanations from the directors and heads of departments under the Ministry, and to have access to the Ministry's correspondence and records. He must also express his legal opinion on all draft laws prepared by the Ministry. The chief departments dealt with are those of Judicial Administration, Judicial Inspection, Legal Drafting and Tapu (Land Registration).

Locusts.—Ordinance No. 20 imposes on every landowner, occupier, farmer, tribal Shaikh or Sirkal the duty of notifying the nearest administrative official of the presence of locusts or locust eggs on any land over which he has any rights, and also the duty of commencing to destroy the locusts or eggs, and administrative officials are to define the areas for which each landowner, Shaikh, etc., is responsible and to prepare lists showing the number of persons, animals, etc., available to combat the locusts. The means of combat shall be published by the agricultural official responsible for the campaign. All persons thus compelled to assist in a

locust campaign shall be paid for any work not in the immediate vicinity of their villages or cultivation. Penalties are provided for persons who wilfully neglect their duties or refuse to carry out the written orders of the responsible official.

Posts.—Law No. 6 is a comprehensive law dealing with the Post Office in substitution of all previous laws. Carriage of letters and postcards is made a strict government monopoly, and no common carrier or transport organization is allowed to carry any letter. The Government is exempted from all liability for loss, misdelivery or damage to any postal article unless liability is expressly undertaken. Postal officials shall only be liable for loss, misdelivery or damage to such articles if caused by their fraudulent or wilful act or default. The various classes of postal business are dealt with. Newspapers to be registered must be published in numbers at intervals of not more than thirty-one days, and must have a *bona fide* list of subscribers. Indecent and obscene books, paintings, etc., and filthy or injurious or noxious substances must not be transmitted by post, and powers are given to deal with such postal articles. Powers are given to intercept notified goods during transmission by post, and on the occurrence of any public emergency or in the interests of the public safety the Minister or other authorized officers may intercept any postal articles. Penalties are prescribed for all offences committed by postal servants and for all contraventions of the prohibitions contained in the law.

Regulation No. 18 provides for a new issue of postage stamps.

Public Debt.—Ordinance No. 18 settles 'Iraq's share of the Ottoman Public Debt. The Minister of Finance is authorized to expend Rs. 165,37,500 on the purchase of Ottoman Public Debt Bonds with coupons due before March 1, 1928, and to deliver the same to the Council of Ottoman Public Debt in part settlement of 'Iraq's share of the debt in question. Authority is given to pay off the balance of the debt in seven equal yearly instalments, three of which are to be paid in cash during the financial year 1930–31.

Public Utilities.—Ordinance No. 32 authorizes the government to raise a loan for the Baghdad Water Board to enable extensions to be undertaken, and enacts that the Board shall continue to function till the loan is repaid.

Silk.—Law No. 11 exempts mulberry trees from taxation in order to encourage breeding of silk-worms.

State Lands.—Law No. 4 transfers the department of State Domains from the Ministry of Communication and Works to the Ministry of Finance, thus converting it into a revenue department rather than a development organization.

Taxation.—Law No. 51 increases the rate of income-tax to 9 per cent. of the chargeable income, provided that the first 2,000 rupees of chargeable income shall be free of tax, and the next 2,000 rupees shall be taxed at 6 per cent. only.

By Law No. 5 all substances extracted from quarries and brick kilns are exempted from taxation.

A number of regulations were issued providing for fixed assessment of land revenue in accordance with the nature of the land or the kind of irrigation or the type of plough animal employed.

Law No. 14 codifies the taxation on sheep, goats, camels and buffaloes, laying down the animals exempted, the person liable to pay the tax, the procedure to be followed in assessing the tax and the penalties for evasion.

Tea.—Regulation No. 19 lays down that tea imported into 'Iraq must not contain less than 11 per cent. of theine, that the quantity of ash on burning of such tea must not exceed 6 per cent., that the tea shall not be exhausted by steeping decoction or otherwise, and that it shall not have been artificially coloured. Arrangements are made for the chemical analysis of imported tea.

Town Planning.—In 1928 the Government granted a large area of undeveloped state lands adjoining Baghdad City to the municipality to enable a new residential quarter to be built. Law No. 1 lays down the conditions under which building sites in this area shall be sold. These are designed to enable non-owners of house property to secure sites on which to build. Preference is given to married men with families over bachelors. The law also provides for open spaces, public building, markets, sanitation and roads in the new quarter, and authorizes the issue of regulations to secure uniformity of architectural style, building materials, etc.

1931.

During 1931, 103 laws were passed and 37 regulations issued. A number of these laws were merely the statutory confirmation by Parliament of the Ordinances passed by the King and the Council of Ministers while Parliament was not sitting. Those that were dealt with in the summary of 1930 legislation are not referred to here.

The Special Bench (Diwan al Tafsir al Khas) was convened on four occasions during the year in order to interpret obscurities in the laws.

Special Bench Decisions.—In the Nidham concerning religious appointments the term " Jihat " (religious appointments) is obscure, and the Diwan Khass was convened to decide whether a religious appointment could be held at the same time as a public appointment. The Special Bench decided in the negative.

The Special Bench held that the phrase " other governments " in the Civil Pensions Law, Art. 47, para. 4, included the Turkish-Ottoman Government, as the said term is unconditional and as the unconditional runs with unconditional effect.

It was held that half-pay withheld from an official while under suspension shall be refunded if any reduction in the official pay ordered by the Disciplinary Court is less than the half-pay withheld. It was also ruled that the term " acquits him " means non-dismissal.

Art. 28 of the Civil Pension law mentions the payment, in the event of the death of an official, of " one-half of the pension or gratuity which would have been due to the official." Does this mean " one-half of the pension or one-half of the gratuity " or " one-half of the pension or the full gratuity " ? The Special Bench felt compelled to rule that the second alternative was the true meaning, basing their reasons entirely on points of Arabic grammar, as the official text of the law is the Arabic text.

Agricultural Loans.—Law No. 66 empowers the Minister of Finance to enter into an agreement with any local bank or banks whereby the Government will guarantee to the bank repayment of the principal of and interest on advances made by the bank to cultivators under the provisions of this law. In order to benefit, cultivators must be approved by the Minister and the bank, be free from debt to Government and be worthy of credit. No individual advance shall exceed £500 sterling:

interest is not to exceed 8 per cent., of which one-half shall be credited to Government. The total amount so guaranteed must not exceed £100,000.

Regulation No. 18 lays down the procedure to be followed by applicants for loans and by the officials and committees appointed to deal with applications.

Armorial Bearings.—Law No. 25 lays down the Coat of Arms of the 'Iraq State.

Armenian Orthodox Community.—Law No. 70 lays down the constitution for the Armenian Orthodox Community in 'Iraq. It provides for the appointment in Baghdad of: (*a*) the Head of Community, (*b*) a Spiritual Council, (*c*) a Lay Council, (*d*) a General Council, and in the towns of Basrah, Mosul and Kirkuk of a Church representative and a Church Assembly. The head of the Community is to be elected by the General Council and appointed by Royal Irada. He must be an ecclesiastic of the Armenian Orthodox Church, over thirty years of age, an 'Iraqi subject and held in general esteem.

The Spiritual Council is to consist of priests, and will have jurisdiction as a religious court to decide personal status questions between Armenians and to solve religious questions and disputes. The Spiritual Council is a judicial body under the 'Iraq law.

Control of funds, dedicated lands and charitable institutions belonging to the Community is vested in the Lay Council.

The General Council nominates the head of the Community and representative of the Community abroad and supervises the work of the Lay and Spiritual Councils.

The Church representative and Assembly are to carry out similar functions in their respective towns.

The law lays down the composition of these bodies, the mode of their election, the qualification of electors and the method of settling disputes in the Community.

Arrears of Revenue.—Law No. 21 authorizes the remission of Rs. 60,000 from the farm of the Burial Tax at Karbala and Najaf for the years 1928–31. Law No. 69 authorizes the writing off of arrears of revenue due prior to 1928, and reduces tax demands for the year 1930–31.[1]

Awqaf.—Law No. 38 provides that sums due to the Awqaf Department in respect of farms, purchase of property, rentals, taxes, etc., shall be deemed to be debts due to Government and collected as such.

Law No. 65 lays down the conditions under which persons in debt to the Awqaf Department incurred prior to 1929 may secure remission. Law No. 55 authorizes remission on revenue due from land produce harvested in 1930.

Civil Service.—Law No. 103 regulates the condition of employment, the classification, grading, promotion, resignation, pension, leave, allowances and transfer of all officials and employees of Government, excluding army officers and men, police officers and men, judges, Qadhis, except in so far as is not provided by their special laws.

Law No. 14 provides for placing on the half-pay or pension lists officials whose posts have been declared unnecessary in view of the urgent need of economy.

Law No. 41 authorizes the Council of Ministers to dispense with the

[1] These laws are necessary from time to time as neither the Minister of Finance nor the Council of Ministers can remit any debt due to Government unless authorized by special law.

service of any official, if the Council is convinced that the retention of such official is harmful to the public interest on account of disgraceful conduct, insubordination, inability, negligence or laziness. This law and the preceding one were only to be in force for six months, and no official had any right of redress against such a resolution of the Council of Ministers.

Concessions.—Law No. 71 ratifies two agreements made between the 'Iraq Petroleum Co. and the 'Iraq Government which amended the Turkish Petroleum Company's original concession, resulting in the immediate payment to the 'Iraq Government of large sums on account of future royalties.

Cotton.—Regulation No. 7 prohibits the growing of Ratoon cotton.

Shara (Muslim Personal Status) Courts.—Law No. 17 repeals Art. 3 of the Shara Procedure Law 1922, which allowed the head clerk of a Shara court to officiate for the Qadhi when the latter was absent. Under Art. 12 of the old law the Qadhi of Constantinople alone was recognized as having jurisdiction in Shara matters over Ottoman subjects resident outside 'Iraq unless the parties both agreed to another Shara court. This article is now repealed.

Criminal Law Procedure.—Law No. 42 supplements and amends the Baghdad Criminal Procedure Regulation. This law was drafted after consultation with the principal European powers, whose consent to its provisions was necessary in order that capitulatory rights shall not be revived. The powers of magistrates of the various classes and the composition of courts of sessions are laid down. A magistrate of the first class may try any offence other than a crime for which the maximum penalty is death or penal servitude or imprisonment for more than seven years. The maximum sentence a first-class magistrate can award is two years' imprisonment. The powers to issue orders of arrest and search are exercisable by magistrates, but the Minister of Justice may invest investigators with these powers in places where recourse to a magistrate would mean delay. Criminal proceedings can be permanently or temporarily suspended by order of the Court of Cassation if application is made by the Public Prosecutor or the order of the Minister. An accused person can claim that court proceedings be translated into his own language. Generally speaking, the English rules governing evidence are laid down in the law, which stipulates that confessions cannot be received in evidence against an accused if induced by ill-treatment or threats or promises.

No person shall be convicted upon the evidence of a single person unless such evidence is admitted by the accused person or corroborated by the proof of other facts which are sufficient to establish the truth of such evidence. Written statements recorded by an authority empowered in that behalf or recorded in reports made by a witness in the course of his ordinary duties may, if recorded at or about the time the fact occurred, be considered by the court as corroborating the evidence.

Ordinance No. 89 defines the administrative and police officials who are empowered to proclaim a public meeting under Art. 84 of the Penal Code and order its dispersal.

Currency.—Law No. 44 provides for the issue in 'Iraq of a new currency the standard of which is to be the Dinar and which is to be divided into 1,000 fils. Provision is made for the conversion of all debts, contracts, etc.,

into the new currency from rupees at the market rate prevailing on the day of issue of the new currency. The amounts of the new currency which will be legal tender is specifically laid down. The law sets up a currency authority consisting of a Board of which two members are appointed by the Government of 'Iraq, two by the three British banks operating in 'Iraq and one member by the Governor of the Bank of England or the Finance Committee of the League of Nations. This Board can only issue 'Iraq currency against an equivalent amount of sterling or rupees.

By Law No. 101 the value of the Dinar is declared to be the equivalent of the pound sterling.

Customs.—Law No. 56 codifies the customs law of 'Iraq. It is based very largely on the Indian customs law, but embodies all laws affecting transit trade, as well as all laws, regulations and instructions issued since the occupation of 'Iraq, which affect the Customs Department. The law defines various officials and technical terms and lays down the powers of the Ministers, the Director and the collectors, goods whose import or export is prohibited, rules concerning exemptions and refunds of customs dues. The customs officer, if dissatisfied with the value declared by the importer, may take the goods over at the declared valuation and auction them. The control of vessels, discharge of cargo, entry of goods warehousing in bond, transhipment of goods and transference of goods for duty payment and transit are all dealt with in great detail. Seventy-one offences are created and defined and penalties specified for their breach. Customs officers have large powers of confiscating goods and of fining offenders, but rights of appeal exist to the Court of Cassation. Customs officials are also allowed to search and detain suspected persons.

Art. 180 provides that when a contract is made for the sale, duty paid, of any article, the seller has the right to claim any increased customs duty which was imposed after the contract was made. Similarly the purchaser under such a contract can claim a reduction if the customs duty has been reduced after the contract was made. In the case of articles on which customs duty is imposed for the first time subsequent to the contract, the seller is entitled to recover the amount of such duty from the purchaser.

Law No. 76 lays down the customs import and export duties in terms of the new 'Iraq currency.

Date Packing Stations.—Regulation No. 4 prohibits the packing of dates in any place not licensed by the local health authority. Stations to be licensed must be provided with proper sanitary arrangements, and with an adequate supply of clean water for the packers and for the packing of dates. Inspections are arranged to ensure that packers are clean in their persons and free from disease.

Debtors.—Law No. 48 amends the old Turkish Execution Law and provides that the Executive President, in issuing an order to a debtor, will take into consideration not merely the amount of debt but his ability to pay. Imprisonment for debt can only be ordered if the President is satisfied that the debtor has since the date of the order for payment been possessed of the means to pay and has neglected or refused to pay.

Debts Due to Government.—Law No. 43 empowers the financial and administrative authorities to collect all taxes, rents and other debts to Government in a summary manner, if the debtor has failed to pay in the usual time.

Drugs.—Law No. 29 amends the Wholesale Druggists Law No. 34 of

1924, tightening up Government controls of drugs to satisfy 'Iraq's obligations under various International Conventions.

Economics and Communications.—Law No. 19 sets up a new Ministry of Economics and Communications to carry out the duties and work of the Ministry of Irrigation and Agriculture and the Ministry of Communications and Works, which are both abolished by this law.

Education.—Law No. 63 limits admission into 'Iraq high schools to those possessing the 'Iraq certificate of secondary institution or its equivalent. This affects admission to the law school and medical college.

Regulation No. 16 lays down the organization, fees, course of instruction, conditions of admission, duties of students; holidays, examinations and tests; school staff, its composition and the duties of each member; training and discipline, in State secondary schools.

Regulation No. 14 lays down the syllabus of primary, intermediate and secondary public examinations. Certificates given by private schools are to have no official value whatsoever. Admission to intermediate schools is restricted to holders of the primary certificate, admission to secondary schools to holders of intermediate certificates, and to higher institutions to holders of the certificate of secondary institutions. Provision is made for holding delinquent examinations for those who have failed to pass in previous examinations. This is the last chance given to candidates for the various certificates.

Extradition.—Law No. 58 ratifies an extradition treaty between 'Iraq and the Kingdom of Hijaz, Najd and its Dependencies.

Law No. 60 ratifies an extradition treaty with Egypt.

Farming of Taxes (Iltizam).—Regulation No. 28 prescribes the manner in which the auction of farms of government taxes, dues, tolls, etc., shall be conducted; government officials and their near relatives, infants, foreigners, debtors to Government, persons who have been sentenced to more than one year's imprisonment and members of administrative councils are forbidden to bid in an auction of a government tax.

Provision is made for the deposit of security by bidders and by the person who secures the right to farm the tax.

Personal Status of Foreigners.—Law No. 78 provides that the civil courts of 'Iraq shall have jurisdiction to decide matters of personal status of foreigners other than where a foreign Muslim's personal law is Shara Religious Law, when the Shara courts shall have jurisdiction. The civil courts are to apply the personal law of a foreigner according to the usages of private international law, but so that the personal law of any person shall mean the law of the State of which he is a national, or if the said law directs the application of the law of another State, the law of such other State.

The law of a foreign country may be ascertained by oral and written statements of experts, by official certificates of consular or diplomatic representatives, and in the case of British law by certificates signed by British judges of the 'Iraqi courts.

The validity of testamentary disposition of the immoveable property of a deceased foreigner situated in 'Iraq as well as the succession thereto is recognized. Estates of deceased foreigners are to be administered by the Courts of First Instance, either by an administrator or directly by an officer of the court. The duties and responsibilities of an administrator are laid down. He cannot send any part of the estate of the deceased out

of 'Iraq without the authority of the court. With the approval of the Minister of Justice the court can order the delivery of the whole or part of an estate to the appropriate authorities of a foreign country for distribution to those entitled thereto.

Difference of nationality does not debar inheritance to moveable property and to property held in full ownership (*sirf mulk*). Foreigners of different nationality may inherit from each other; an 'Iraqi may inherit from a foreigner and a foreigner from an 'Iraqi if the law of the country of that foreigner permit the same. The moveable property of a deceased foreigner to which no person is entitled by the personal law of the deceased shall become the property of the 'Iraq State, notwithstanding that by the said personal law the inheritance devolves on the fisc of a foreign state.

Grants of Government Land.—Law No. 94 permits the grant of government-owned sites and buildings free of charge to foreign Governments for use as embassies, consulates or war cemeteries; to municipalities for public or town improvement, and to charitable, religious or educational societies for headquarter premises, churches or charitable institutions, or cemeteries or crematoriums. Government may revoke the grant if the site so donated is used for commercial or other purpose not declared when the grant was made. Free grants of land will also be made to encourage house building in towns and villages and to establish new villages.

Holidays.—Law No. 72 lays down the days to be kept as official holidays. These, with the exception of the King's birthday, Coronation Day and Commemoration of the Arab Rising Day, are all Muslim holidays. Christmas and Jewish holidays are official holidays for members of these religions. On all official holidays all public offices shall be closed, documents cannot be legally served nor are these days to be included in any legal period laid down for presentation of appeals, protests, etc.

Hospitals.—Regulation No. 5 provides for the administration of hospitals, dispensaries and health institutes, including the duties and powers of medical officers and officials in government hospitals, hours of treatment, fees, diets of patients, rules for patients and conduct of medico-legal examinations.

International Conventions and Treaties.—'Iraq adhered to the following International Conventions by laws passed during 1931: (1) The International Radio Telegraph Convention signed at Washington on November 26, 1927; (2) the International Convention regulating Air Navigation signed at Paris on October 13, 1919; (3) the protocol for the prohibition of the use in war of asphyxiating poisonous or other gases, and of bacteriological methods of warfare signed at Geneva on June 17, 1925, and (4) the International Sanitary Convention signed at Paris on June 21, 1926. 'Iraq concluded treaties of friendship and *bon voisinage* with the following countries in 1931, and laws ratifying the same were duly passed: the Kingdom of Hijaz and Najd and its dependencies, Transjordania and Yemen.

A special Convention was concluded in 1930 between 'Iraq, the United States of America and Great Britain, whereby the United States recognized the independence of 'Iraq and the special relations existing between 'Iraq and Great Britain. 'Iraq undertakes to secure most favoured nations treatment for Americans, to respect American property rights in 'Iraq and to permit American nationals to establish and maintain

educational, philanthropic and religious institutions in 'Iraq, to receive voluntary applicants and to teach in the English language. This was ratified by Law No. 4 of 1931.

The Treaty of Alliance with Great Britain was concluded in 1930 and ratified by Law No. 5 of 1931. The treaty regulates the relations which will exist between Great Britain and 'Iraq upon the admission of 'Iraq into the League of Nations and the termination of the mandatory regime. There is to be full and frank consultation in all matters of foreign policy which may affect their common interest. Great Britain undertakes to support 'Iraq in the event of external aggression, and is to be allowed to maintain in 'Iraq air bases at Basrah and west of the Euphrates.

Interpretation of Laws.—Law No. 18 amends Law No. 59 of 1926, and declares that in all laws, ordinances and regulations, unless the context otherwise demands, words importing the masculine shall include the feminine, words importing the singular shall include the dual and plural: "person" shall include "a juristic person"; "month" and "year" shall mean the solar month and year; "Government" shall mean the responsible Minister. If a law or ordinance be repealed wholly or in part, then the part repealed shall not be revived by the repeal of the repealing law or ordinance unless specific provision is made for its revival.

Jewish Community.—Law No. 77 recognizes the existing organization of Jews into communities. The Community at Baghdad, Basrah and Mosul are each to have a President, a Chief Rabbi, a General and a Lay Council. The Baghdad Community shall have in addition a Spiritual Council. In other places the Jews shall have a President, a General and Lay Council, but no Chief Rabbi.

The law lays down the qualifications for the offices of Presidents and Chief Rabbis and the manner of their election, appointment and dismissal. The composition, manner of election, procedure and duties of all Councils, General, Spiritual and Lay, are laid down in this law or by regulation to be issued under it.

Provision is made for the establishment of religious courts within each of the communities, with exclusive jurisdiction over matters relating to marriage, dowry, divorce, separation, maintenance, wills and other personal status matters of Jews who are 'Iraqi subjects.

Provision is made for settling disputes in any community, and for disposing of charges against Presidents, Chief Rabbis or members of councils.

Regulation No. 36 lays down the number of members of the General and Lay Councils of the Basrah and Mosul Jewish communities, and the manner of their election as well as the manner of election of the General and Lay Councils of Baghdad. It also prescribes the precise duties of these councils, the manner of preferring charges and complaints against such councils and the appointment of committees to control washing and burial of the dead.

Land Rent.—Law No. 85 lays down the manner of assessing and collecting land rent in respect of water rights and landlords' rights due to the State.

Machinery is set up to examine all claims, including those of the Department of Awqaf and others, to exemption from liability to land rent in respect of either water or land.

This law deals with government rights to a share of the land produce

other than the right to tithe (the ancient Ushr), which is dealt with in Law No. 83.

Liquor.—Law No. 3 codifies the law dealing with the manufacture and storage, importation, possession and taxation of alcoholic liquors. "Excise authority," "liquor," "spirits," "manufactures" and all technical terms are defined. The control of this trade is extremely complete, and heavy penalties are imposed upon any offender against the law. Extensive powers are given to all excise officers and immunity from prosecution for all acts done in good faith.

Official Use of Kurdish and Turkish Languages by Minorities.—Law No. 74 enacts that the language of the courts and the provincial officials shall be Kurdish in certain specified areas of the Mosul Sulaimania Kirkuk and Arbil Liwas, and Arabic, Turkish or Kurdish at the discretion of the courts in other specified areas; that an accused person in the areas mentioned is entitled to have the proceedings interpreted verbally into either Arabic, Kurdish or Turkish; that in the specified areas the language of instruction in all elementary and primary schools shall be the home language of the majority of the pupils of those schools, and that any person shall be entitled to use either Arabic, Kurdish or Turkish in any application made to the Government in those areas and to receive a reply in the same language.

Municipalities.—Law No. 84 codifies all laws and regulations relating to the administrations of municipalities. Municipalities are to be deemed juristic persons and of four classes in accordance with their gross revenues. The law provides for the appointment of mayors, the election of municipal councils, the duties of both the above and the procedure to be adopted by the municipal council; the duties of municipal officials and of municipalities. Health, police and education are not municipal matters. All other normal municipal activities, such as street widening, lighting, watering, cleaning, maintenance, control of new buildings, prevention of fires, control of cemeteries, burial of paupers, relief of distress, control of prostitutes, places of entertainment, registration of all means of transport and inspection of vehicles and animals, conservancy, control of weights and measures and obnoxious trades, provision of water supply, are to be undertaken by municipalities.

Municipalities can issue by-laws and orders in order to carry out its duties, and any contravention of such by-laws or orders is punishable.

Law No. 41 allots to municipalities a share in the proceeds of the property tax and the motor spirit tax.

Law No. 86 codifies the existing laws, etc., governing municipal revenue. The law lays down what fees, tolls and taxes a municipality can levy, and at what rates. Some of these are compulsory, but others the municipality is free to enforce or not. The rates imposed in the law are maximum rates, which can be varied in each municipality with the consent of the Minister of Interior. Any amounts due in respect of municipal taxes, fees or the public services undertaken by a municipality shall be collected as if they were debts due to Government.

Patents.—Law No. 30 provides generally that a patent which was registered in Turkey prior to August 6, 1924, if registered in 'Iraq on or after August 28, 1928, shall have priority as if it had been registered in 'Iraq on the date on which it was first registered in Turkey.

Pensions.—Law No. 36 orders a reduction of 5 per cent. in all civil and military pensions.

Law No. 62 authorizes payment of pensions to certain pensioners not born in 'Iraq provided they have become naturalized, and waives refund of pensions already paid to non-'Iraqis.

Law No. 81 extends the period for acquiring pension rights by non-'Iraqis.

Laws Nos. 99 and 100 amend the military and civil pensions laws rather drastically in favour of the Government.

Regulation No. 27 provides for the assessment of military incapacitation pensions.

Regulation No. 10 governs the grant of gratuities to injured officials and lays down the principles to be followed in assessing gratuities.

Press.—Law No. 82 repeals all previous laws dealing with the press and lays down the rules governing the grant of permits to issue a periodical, which is defined as any newspaper or journal published at regular or irregular intervals, and the suspension and cancellation of such permits. No periodical may be published without a permit, and it must have a responsible director who is an 'Iraqi over 25 years of age, who has not been convicted of a crime or misdemeanour, who has completed the full secondary school course and who is not an official or a member of Parliament. A cash security varying in amount with the interval of publication must be deposited with the Minister of Interior. This permit is to be regarded as property which can be assigned and inherited. No title of a periodical can be used by any person other than the original permit holder, or his heirs or assigns, until ten years after the title has ceased to be used. Newspaper vendors must be registered, and are only allowed to shout the title of the periodical, the names of the writers and the price. A permit holder is liable to be officially warned if he publishes any matter likely to affect the internal or external safety of the state, or likely to endanger the public peace by causing dissension or hatred among individuals or classes, or likely to affect friendly relations between 'Iraq and foreign states, or prejudicial to public morality or contrary to truth and public interest. If, after two such warnings, a permit holder, within thirty days of the first warning, repeats his offence, the paper may be suspended by the Minister of Interior for a period not exceeding one month. For a serious breach of the law or for repeated breaches a paper may be suspended by the Council of Ministers for periods from four months to one year, and for further breaches after having been twice suspended the permit may be cancelled.

Foreigners may be granted permits, but must employ an 'Iraqi as responsible director, and must neither support nor attack any political party. Penalties are prescribed for publication of a periodical without permission, for publication of court proceedings held *in camera*, for publication of laws and regulations before their publication in the Government Gazette, for the publication of false news, or publishing matter offering an indignity to the members of the Royal Family, to foreign sovereigns, etc., friendly to 'Iraq, to the 'Iraq army, to the 'Iraq Government, to Parliament or to any court.

Public Utilities.—Law No. 104 re-establishes, under a slightly different constitution, the old Baghdad Water Board. The new body is empowered to operate, extend and improve the water supply in the district of Baghdad, Karrada, Adhmiya and Kadhimain. If necessary it may undertake street cleaning, fire protection and other public services. The Board is authorized to acquire all materials in its possession which were purchased by the

Baghdad municipality. It may borrow money with the consent of the Ministers of Finance and Economics and Communications. The annual budget must be approved by the Minister of Finance, and any surplus of revenue not applied in reduction of water charges must be divided among the municipalities of the districts proportionately to their consumption of water.

Stamps.—Law No. 75 amends the Stamp Law of 1922. Advantage was taken of the necessity of converting all sums from rupees into dinars and fils, to bring the stamp law up to date and omit a number of vexatious or obscure items from the various schedules and to make the various dues reasonable.

Strikes.—Ordinance No. 90 imposes penalties on any person who by any means warns or prevents any person from opening his shop or place of work, or from continuing his usual business, or from plying any means of transport, or from dealing with any shop, etc. Penalties are also imposed on persons spreading false news during the strike or possessing written or printed matter the intention of which is to interfere with the liberty of the public. Censorship of posts and telephones is allowed. The Ordinance is to be in force for the period declared by the Minister of Interior.[1]

Income-tax.—Law No. 73 amends and extends the application of the income-tax law. The income chargeable to tax, in the case of trade, is the profits of the year preceding the year of assessment, unless the source of income ceases during the year of assessment. Municipalities and public utilities are exempted from income-tax. New provisions are made regarding losses being set off against income in future years. Income-tax can be deducted at source monthly from all employees of Government, municipalities, public bodies, companies or other persons, and in such cases the chargeable income will be the actual income received during the year of assessment.

The period during which the income-tax authorities can make an additional assessment is extended to three years, as is the period during which claims can be made for refund of tax paid in excess. Authority to make refunds is given to the Finance Authorities, a very necessary departure from the usual rule insisting upon a law before government registers can be rectified and tax refunded.

Land Revenue.—Law No. 83 provides for the collection of a duty on all land produce at the places where the produce is sold or used as raw material, or from which it is exported or transported.

This duty is to replace the land tax, which in its turn had recently replaced the old title. The duty is called Resmal Istiklak (Duty on Consumption), but it is really the old tithe collected at place of sale. Proprietors of grain markets, granaries, presses, ginneries and mills have to maintain registers showing the quantities of each kind of produce received and issued. All such places have to be licensed, and land produce can only be sold to persons licensed under this law. The conversion rate of duty is to be fixed annually according to local prices. The law prescribes penalties for making false returns and evading the provisions of this law. Provision is made for settling disputes arising out of contracts and agreements or out of the traditional sharing of land produce according to local custom among landowner and farmer and cultivators.

Prior to the enactment of Law No. 83 a number of laws and regulations

[1] The Ordinance ceased to be in force three months after issue.

amending the Land Tax Law of 1929 were passed, but as these were all repealed by Law 83, they are not noticed in this Summary.

Law No. 7 authorizes large remissions of land revenue.

Law No. 11 prescribes the method of collection of land tax. Power is given to the Minister of Finance to permit payment by instalments, and also to suspend the operation of the law in cases where remissions are to be recommended to Parliament.

Oil.—Law No. 45 codifies the taxation of oil and oil products.

Taxation Abolition.—During the year the following taxes were abolished by special laws: butchery tax outside municipal areas; municipal cess on motor spirit; the customs and excise duties on honey, intestines, gold bullion, gold coins, material used in the packing of dates for export.

Remissions of revenue and the writing off of arrears were dealt with by a number of special laws.

Trade-marks.—Law No. 39, which is modelled on European legislation, codifies the whole law with respect to trade-marks. It provides for the registration of trade-marks registered in Turkey prior to the Treaty of Lausanne, August 6, 1924, under certain conditions. Indistinct marks, well-known customary trade signs, religious emblems, national flags, deceptive marks, unauthorized portraits, etc., cannot be registered. The manner of registering a trade-mark is laid down as well as the settlement of disputes regarding priority of application, transfer of ownership, amendment of mark and protection of rights in trade-marks. Penalties are imposed for wilful imitation of a registered trade-mark, false claim of ownership of a trade-mark or use of a mark registered by another.

Regulation No. 39 prescribes the classification of goods for purposes of Trade-marks Registration; the manner of registering the documents to accompany applications for registration or alteration of a trade-mark; documents of agency and manner of payment of fees.

Weights and Measures.—Law No. 47 introduces the metric system of weights and measures as the official standards in 'Iraq, but permits the use of other weights and measures as a temporary measure and provides that the enforcement of the law shall be gradual.

FOREIGN.

1. FRANCE.

[*Contributed by* Oliver E. Bodington, Esq.]

Capitalization and Savings.—By the law of February 10, 1931, all undertakings of capitalization, savings or insurance are subject to certain regulations resembling those enacted in the case of bankers by the law of June 9, 1930, mentioned in last year's summary.[1] No one who has been convicted of a common law offence, of theft, breach of trust, including embezzlement of public funds, or other similar offence, can be director, manager or agent of such an undertaking. The regulations provide for the registration and identification of all agents and brokers. They also provide for the publication in the *Journal Officiel* by each undertaking of short particulars of profit and loss account, general balance of account and general movement of current transactions.

Labour Code.—A new Article No. 44 (a) is enacted by the law of March 4, 1931. All employers are directed, when paying each employee, to give

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. iii, p. 185.

to the latter written details of his gross remuneration, of the deductions made and of the net remuneration so paid.

Commercial Register.—The law of March 29, 1931, completes and reinforces the institution of the Commercial Register; it also modernizes and simplifies the publication provided in Arts. 2 and 3 of the Commercial Code (minors authorized to trade); Arts. 66 and 67 of the same Code (divorce decrees and marriage contracts of traders); and Art. 250 of the Civil Code (divorce).

In future an emancipated minor may not be a trader nor be considered as of age in regard to his trading until he has not only been authorized to do so by his parent (a previously required condition), but has also registered such authority in the commercial register of the place where he intends to carry on his trade.

All judgments of divorce and separation concerning traders and marriage contracts between them must be notified to the Registrar.

Foreign Navigation Companies.—Foreign navigation companies whose ships call at French ports, and who are therefore deemed to make part of their profit in France, are exempted from the French commercial profit tax, provided that the country whose flag they fly grants similar exemption to French navigation companies. Two laws of June 23, 1931, confirm the existence of this reciprocity as regards Norwegian and Greek navigation companies.

Criminal Law.—The law of July 2, 1931, modifies Art. 70 of the Code of Criminal Procedure by giving persons maliciously prosecuted the right to apply directly to the criminal court itself for damages for such malicious prosecution. This law applies specially to cases which have been dismissed by the investigating magistrate and have therefore never even reached the stage of trial by the court. This is likely to prove a far more expeditious remedy. Previously the remedy was by an independent action for malicious prosecution.

Civil Procedure.—Service of writs or summons must be made to the person served or, in his absence, must be effected at his residence to a member of his household or even to a neighbour. In the absence of the latter and of any person who will undertake delivery, the document is delivered to the Mayor at the Town Hall. Such delivery was, until the law of July 15, 1931, good service. It must now be confirmed by registered letter dispatched by the process server to the person served within twenty-four hours of delivery to the Mayor.

Commercial Courts.—The judges of the commercial courts are elected yearly under the law of December 8, 1883, by the traders of the district from among themselves. Female traders complying with the rules are entitled to vote but not to stand for election. A law of December 9, 1931, renders them eligible to judgeship of these courts.

Minors. Alienation of Securities.—A law of July 9, 1931, has extended the limit of value beyond which a guardian may not dispose of the personal securities of his ward without permission of the family council from 1,500 francs to 7,500 francs.

2. DENMARK.

[*Contributed by* HENNING HOLM-NIELSEN, ESQ., *European Consulting Editor of the American Bankruptcy Review.*]

General Survey.—The law of Denmark, as well as the law of the other Scandinavian countries—Iceland, Norway, Sweden and Finland—has a

place midway between the Anglo-Saxon law and the great codifications of Continental countries. It is not possible to give a full idea of the development of Danish law in a review of legislation only—judgments of the law courts have to be taken into account, and they would be beyond the scope of this review.

Danish law was codified as early as the seventeenth century, viz., constitutional law by the *lex regia* of November 14, 1665, and the other branches of the law—civil, criminal and procedure—by the Danish Law of Christian V of April 15, 1683. The *lex regia* has, however, been succeeded by later constitutions, in particular the Constitution of June 5, 1915, and the Danish Law, though not yet totally repealed, has, during the centuries, been modified, and even abrogated by case law and special Acts.

A tendency to codify the law has also been evident in Denmark since the middle of the nineteenth century. Criminal law and procedure have been codified, as well as important parts of the civil law; for example, the law of sale, insurance, maritime law, marriage law, etc. But a general codification of the civil law, such as, for example, in France or Germany, is not likely. Danish law is the product of organic growth from the law of the middle ages and even of the primitive law of olden time, and its continuity has never been interrupted by the reception of Roman law, as, for example, in Germany, nor later by the overwhelming influence of the Napoleonic codes.

On the other hand, this national particularism does not mean isolation. During the last decades of the nineteenth century great progress was made towards the unification of Scandinavian law. New Acts are often prepared by joint Scandinavian committees, and these uniform drafts are, if possible, passed by the respective Parliaments. This uniform Scandinavian legislation has more especially been in the sphere of maritime law, insurance law, law of sale and contract, marriage, minority and adoption. As complete uniformity in legislation has not been possible, an International Convention of February 6, 1931, between Denmark, Iceland, Norway, Sweden and Finland regulates the conflict of laws as to marriage, adoption and guardianship, and a second convention of February 10, 1931, provides for reciprocal action in regard to the payment of alimony imposed in any one of the five countries on a person for the benefit of his wife or divorced wife (or husband), his child, stepchild, adopted child, natural child or the mother of such child. The unification of the Scandinavian law of marriage is, on the part of Denmark, mainly due to the zeal of Professor Viggo Bentzon, of Copenhagen.

Legal Terminology.—It should be noted that a *Lov* (L.) is passed by Parliament; *Anordning* (And.), *Bekendtgörelse* (Bek.), *Regulativ* (Regul.) and *Instruks* are issued by the Minister. *Dom* is judgment and *Kendelse* is decision. The official publication of the Ministry of Home Affairs contains for the year 1931, 82 *Love* (Acts), 27 *Anordninger*, 187 *Bekendtgörelser*, 11 *Regulativer* and 3 *Instrukser*. Of these 310 enactments 2 related specially to Greenland, a Danish colony, and 29 to the Faroe Islands. These Islands are a Danish county under the diocese of Seeland, and Danish law generally applies to them; their peculiar nature, however, makes special enactment to a certain extent necessary. Ten of the enactments related to the counties of South-Jutland, which were separated from Denmark in 1864 and reunited in 1920. Danish legislation generally applies to these counties without difference, but the fact

that they were for half a century under German law still entails some special regulation.

World Crisis and Danish Legislation.—Unfortunately, at the present time, the time and energy of the legislatures of most countries are absorbed by measures of urgency to meet the world crisis, and little is left for regular legislative work. This was remarkable in Denmark from the month of September 1931. At the beginning of that year, Denmark was still sheltered from the economic storm which first arose in the United States at the end of 1929, but in April of 1931 the number of forced sales, especially of landed property—which are a better indication than bankruptcies of the economic state of Denmark—suddenly rose, mainly due to the failing of foreign markets. Among the measures for the protection of agriculture there should be noted L.243 of October 19, 1931, creating a general moratorium for farmers in regard to taxes and mortgage interest. Creditors were not, however, affected, as the State provisionally undertook the payment of the debts, the debtors being obliged to refund the Exchequer's disbursements when the price-index was restored. By L. 285 of November 16, 1931, the sheriff may stay a forced sale of landed property up to a period of three months, in order that the debtor may reach a composition with his creditors. Meanwhile the crisis became acute as England left the gold standard, and Denmark had to follow. Bek. 231 of September 22, 1931, prohibited the export of gold; L. 238 of September 29 released the National Bank from its obligation to redeem bank notes by gold; L. 286 of November 18, Bek. 290 and 291 of November 19 and Bek. 294 of November 26 restricted the export of Danish money, stocks, bills of exchange and cheques, and regulated the exchange of Danish debts outstanding abroad into Danish money. A *Valuta-Central* was established which collected the foreign bills of exchange due in respect of exports and distributed them proportionately among Danish importers. It should be noted that by L. 289 of November 18, 1931, Danish shares and bonds which are in foreign countries can only be sent to Denmark through banks or authorized brokers of the Copenhagen stock exchange. Danish shares and bonds which are in Denmark on foreign account must be notified to the National Bank, Copenhagen.

Of the regular legislation apart from measures of urgency the following only are of interest.

Produce Grading.—Regul. 102 of March 24, on the cutting and preparation of bacon, strictly regulates the slaughtering, grading, branding, cutting, salting, draining, packing and transport, and by L. 140 of April 28, on the export of eggs, the freshness of exported eggs is secured.

Money Orders.—The conventions of August 13 and December 16, 1930, between Denmark and British India in regard to money orders were ratified, Bek. 65 of March 9.

Death Certification.—The correct keeping of the civil register is the basis of orderly administration; it may, however, become inaccurate in the case of a citizen dying abroad. In order to ensure greater accuracy a convention of February 3 was concluded between Denmark and Italy, whereby it is provided that when a Danish subject dies in Italy the Italian Government will forward, without demand and costs, the certificate of death to the Danish Government, and vice versa.

Cremation.—By L. 60 of March 14, cremation is allowed if the deceased had so provided after having completed his fifteenth year (between the

ages of 15 and 18 the consent of the parents is necessary), or if the parents so provide in regard to a child under 18 years subject to the condition that the child, having completed his fifteenth year, has not otherwise provided.

Landlord and Tenant.—L. 133 of April 28, on the letting of houses, gives protection to the tenant of apartments, offices and shops. If the landlord demands a rent out of proportion to the value of the lease, the court may authorize the extension of the lease to the tenant on the former terms, and if anything has been paid, the tenant may demand repayment of the surplus (s. 1). Moreover, if the landlord has given the tenant notice in order to enforce the increased rent, the court may deem the notice void, fix the rent to be paid and entitle the tenant to continue in the lease up to four years (offices and shops even up to eight years). During this period the tenant may only be given notice with leave of the court (s. 2).

Broadcasting.—L. 90 of March 31 protects broadcasting from disturbance by electric machines, etc., and also prohibits the use of broadcasting receivers for the annoyance of other persons.

Fisheries.—Sea fisheries are regulated by L. 93 of March 31, and freshwater fisheries by L. 94 of the same date, especially with the view to protecting the maintenance of the stock; trawling is prohibited by L. 93, s. 10. Fishing in Danish waters is permitted only to natives, or to aliens who are naturalized or who have had continuous residence in the country for two years. L. 145 of April 28, on shooting, limits ownership in order to protect the maintenance of game. On the other hand, ownership is protected by the Constitution, s. 80—no one can be compelled to resign his property unless it is required for public purposes by an Act and compensation awarded on the principle of appropriation.

Maritime Law.—The Brussels Conventions of August 25, 1924 (Uniform International Rules on Limitation of Liability of Shipowners), and of April 10, 1926 (Uniform International Rules on Maritime Pledge), were ratified, Bek. 36 of February 24 and 70 of March 20. The London Convention of July 5, 1930, was also ratified, Bek. 233 of September 2. Danish, Polish and Danzig bills of admeasurement were mutually recognized under Bek. 313 of December 5.

Commercial Law.—Of great commercial importance and also of interest to foreign exporters was L. 139 of April 28, against fixing prices. Prices fixed by trusts, cartels and other monopolistic combines are subject to examination by a committee of three members: a judge of the Supreme Court, a judge of the Court of Appeal, Copenhagen, and a third member appointed by the President of the Maritime and Commercial Court, Copenhagen. The Committee will on demand examine the price, and if they find it to be unfair the matter is referred to the law courts for decision. If the Committee's view is upheld by the court, it shall deem the agreement on the price to be void.

Commerce, industry and other trades were regulated by L. 138 of April 28. Of special interest to foreign countries are the rules contained in ss. 31–5 on alien commercial travellers. In Denmark, wholesale merchants carry on their business with retailers through the medium of their travelling agents, who place their samples before the retailer. This practice has been adopted by merchants of some foreign countries wishing to deal directly with Danish retailers, and such foreign commercial travellers must have a permit from the customs office.

Criminal Law.—There was no new legislation in criminal law, as the new

Penal Code (L. 126 of April 15, 1930) was passed only the year before. This Code was based mainly on the preparatory work of Professors Goos and Torp. The Convention of June 23, 1931, on mutual assistance in criminal cases between Germany and Denmark, whereby the Danish and German authorities may correspond directly with one another without the intermediary of the Foreign Offices, was ratified, Bek. 276 of November 6. The old idea of European states as units barred to one another by a wall passable only by diplomatists is done away with.

Civil Procedure.—The law of procedure, civil as well as criminal, was recently codified by L. 90 of April 11, 1916. The general provisions, however, have been modified by urgency measures as to forced sales above mentioned. At forced sales, the sheriff may, by L. 304 of December 1, further reduce fees, even though none of the parties may so demand, and even if the fees had been agreed upon. A farmer desiring a composition with his creditors may, by Bek. 309 of December 1, obtain a loan to that end from a certain public fund. Liquidations of insolvent banks are regulated by special Acts, as, for example, L. 248 of September 24, on the liquidation of the Bank of Hadsund. Suspension of payments may be granted by a special Act, as, for example, L. 319 of December 21, relating to *Jydsk Landhypothekforening* (a society giving farmers loans on mortgage).

Constitutional Law.—In constitutional law in the wider sense (*Statsret*) it is of interest for foreigners to note that naturalization is granted to aliens by special Acts. In 1931, 928 persons were naturalized by L. 74 of March 31, of whom the greater part were either Swedish or Polish.

The rights and duties of officials, including judges, were strictly regulated in L. 98 of March 31, containing 842 sections.

Legal Education.—And. 116 of April 11 revises the study of law. The secretary of the Danish branch of the International Law Association, Mr. Karsten Meyer, had requested that the study of law should be more closely connected with legal practice. The And., however, keeps altogether to the old system that the study of law should principally be from textbooks.

International Law.—As to international law, various conventions have already been mentioned. In civil international law (conflict of laws) some important judgments must be quoted. Unfortunately, bankruptcy adjudications of other countries are not recognized in Denmark. Bankruptcy proceedings in a foreign country do not exclude execution upon assets of the bankrupt on Danish territory.[1]

Moreover, no concurrent bankruptcy in Denmark is possible.[2] Such assets may be seized by any one of the creditors—if not new, independent bankruptcy proceedings are initiated in Denmark. Two such independent bankruptcy administrations, however, involve great difficulties.[3]

In public international law, the Convention of October 2, 1930, on mutual international financial assistance in case of international conflict,

[1] Judgment of the Supreme Court in *Ugeskrift for Retsväsen* (The Danish Law Weekly), 1930, pp. 8–9.

[2] Judgment of the Court of Appeal, Viborg, *ibid.*, 1931, p. 335.

[3] In *World Trade*, the Journal of the International Chamber of Commerce, I suggested (August 1931) that the International Chamber of Commerce, through its national committees, in every country should put pressure on their respective Governments in order that the International Convention on Bankruptcy agreed upon at The Hague, 1925, by the Congress of Private International Law, might be ratified as soon as possible.

was ratified under May 8, Bek. 172, June 8. So too were the International Conventions of April 20, 1929, against coining, under February 5, Bek. 252 of October 17, and of May 4, 1910, and September 30, 1921, against white slave traffic, both under April 11, Bek. 300 and 301 of November 27.

Of the greatest importance, however, to Denmark and to Scandinavian countries generally was the Oslo Convention, signed on December 22, 1930, by delegates of Denmark, Norway, Sweden, Holland and Belgium.[1] Each contracting party engages not to raise its tariff rates actually in force and not to impose new tariffs without first negotiating with any other party which fears injury to its interests, therefore any proposed change is to be communicated to the other parties (Arts. I, II). The five countries do not bind themselves absolutely not to raise tariffs. If they cannot agree, the country in question may put the increase in force, but only after one month's notice under Art. I (Art. III). The objecting party is not entitled to immediate reprisal, but must first denounce the Customs Treaty with fifteen days' notice (Art. IV). In all other cases the Treaty can only be denounced and liberty to increase a tariff at discretion regained after notice terminating at least one month before the end of the current half-year. If no denunciation is notified, the Treaty is automatically renewed for the next six months. Under Art. V customs duties for urgent revenue purposes may be put in force without notice, but only in exceptional circumstances.

The main object of the Treaty is simply to bring customs duties out of their present state of confusion. International trade is hampered not only by the height of the tariffs, but also by their instability, which prevents importers and exporters from making definite estimates, to the great inconvenience of the commercial community. Separately each of our countries is but small, but together they comprise thirty millions of the most industrious and well-educated people in Europe. Their production is multifarious and there is a large consumption in each country. These thirty millions have a trade of the same size as Germany's sixty-five millions, and one and a half times as great as that of France. Together they have a buying power of five and a half milliard dollars yearly.

3. UNITED STATES OF AMERICA.

Federal Legislation.[2]

The most discussed Act of the session was that securing the payment on adjusted service certificates to veterans, which the Congress put through over the President's veto. Another important statute provided long-time planning by the Government through a newly created Federal Employment Stabilization Board; and still another stiffened the provisions of the District of Columbia law regulating billboards. Most of the other legislation here noted had to do with the details of government service or amendments of existing statutes, embodying the result of experience.

Finance.—That Congress can act with expedition in a clear case where the facts are before it and there is no difficulty on principle, appears from Public Resolution 131.

[1] As to the general background of the Convention see my article in *The Free Trader*, February 1931.

[2] Abridged from a summary by Middleton Beaman, Charles F. Boots, Henry G. Wood, Alfred K. Cherry, Allan H. Perley, John O'Brien and Eugene J. Ackerson in the *American Bar Association Journal*, vol. xvii, No. 10.

All the Federal estate taxes beginning with the Revenue Act of 1916 have included within the gross estate property of which the decedent has made a transfer "intended to take effect in possession or enjoyment at or after his death." On March 2, 1931, the Supreme Court, in the case of *Burnet* v. *Northern Trust Company*, decided that where A has conveyed his property in trust to pay the income to himself for life and on his death to pay the principal to B, the transfer was not covered by the words of the statute. Public Resolution 131 was introduced on the following day and passed both Houses and was signed by the President at 10.30 p.m. on March 3, expressly including within the gross estate "a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of, or the income from, the property, or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom."

Congress has not only to adjust its laws to the decisions of the courts, as in Public Resolution 131; it must also be on the watch to preserve its intention by amendment to meet administrative rulings. A ruling of the Commissioner of Internal Revenue issued November 12, 1930, gave rise to the modification, by Public 867, of the Act taxing the manufacture and sale of oleomargarine, in force since 1886. The Act of 1886 provided for a tax of 10 cents a pound in the case of oleomargarine containing "artificial coloration" causing it to look like butter of any shade of yellow, the tax being only one-fourth of a cent a pound in the case of oleomargarine not so coloured. By the ruling of the Commissioner, the yellow colour given to oleomargarine by the use of unbleached palm oil was held not to result from "artificial coloration," and oleomargarine so coloured was thus subject only to the tax of one-fourth of a cent a pound. Before palm oil was used, no commercially satisfactory ingredient had been found to give oleomargarine a yellow colour without subjecting the product to the 10 cent tax. This Act changes the basis of taxation so that the 10 cent tax now applies to yellow oleomargarine regardless of the source of its colour. A scientific method for determining colour is provided for, and it is no longer necessary, as under the old law, to determine whether the colour causes the oleomargarine to "look like butter of any shade of yellow." Since the determination of the yellow colour will be influenced by the conditions under which the measurements are made, the Commissioner of Internal Revenue is authorized to make rules and regulations governing such conditions.

Aid to the Treasury in refinancing the public debt is afforded by Public 820, which increases the total authorization of Liberty Bonds from $20,000,000,000 to $28,000,000,000. This is in no sense an increase in public indebtedness, but is rendered necessary by the fact that of the $20,000,000,000 already authorized over $18,000,000,000 have been issued, and in the absence of this Act refinancing of outstanding bonds would have been possible only by means of short-term securities.

An important effect on the finances of the Government will be produced by the amendments to the World War Adjusted Compensation Act. One of the chief battlegrounds of the session was the effort to secure for veterans of the World War immediate payment of the face value of their adjusted service certificates, most of which are payable in full in 1945. The agitation resulted in the passage, over the President's veto, of Public 743, which had two chief features—an increase in the loan basis of the certificates and a change in the interest rate. The original Act

fixed the loan basis, increasing from year to year, but which in any year should not exceed 90 per cent. of the reserve value, which was based on an annual level net premium for twenty years calculated in accordance with the American experience table of mortality and interest at 4 per cent. per annum compounded annually. In the case of the great mass of certificates issued in 1925 the loan basis for 1931 was 22½ per cent. of the face value. The new Act provides that the loan basis shall in no year be less than 50 per cent. of the face value. The basic Act provided, in the case of loans made by the Veterans' Bureau, that interest should be 2 per cent. per annum more than the rate for discount of 90-day commercial paper by the Federal Reserve Bank for the district where the loan is made, but in no event should the interest exceed 6 per cent. per annum. If a loan was made by a bank the interest should not exceed by more than 2 per cent. per annum the rate for the discount of 90-day commercial paper by the Federal Reserve Bank for the district in which the bank is located. Public 743 provides that in no event shall interest on loans made after its enactment exceed 4½ per cent. per annum compounded annually.

Aliens.—Equality between the sexes in the law of citizenship is furthered by Public 829, which amends the Cable Act of 1922. Under the Cable Act, if an American woman married an alien ineligible to citizenship she ceased to be a citizen, and by an express provision of the Cable Act she could not be naturalized. Furthermore, an American-born woman of a race ineligible to citizenship who had lost her citizenship, either by marriage to an alien himself ineligible or by marriage to any alien prior to the passage of the Cable Act, could not regain her citizenship since persons of her race cannot be naturalized. Public 829 corrects this hard situation and permits an American woman to retain her citizenship, even if she marries an ineligible alien, and had she lost it she might regain her nationality in the short way provided by the statute, as could any other American woman. The Act also allows women who have lost their American citizenship by residence abroad after marriage to an alien to be naturalized by the short method. In case, however, a woman who has lost her citizenship by residence abroad or marriage to an ineligible alien acquired any other nationality by affirmative action, she cannot benefit by the short naturalization method. Under the Act of 1930 the privilege was limited to women losing their citizenship by marriage to an eligible alien, or by reason of the loss of citizenship by their husbands. A woman who marries an ineligible alien is continued in her citizenship rights by striking out of the Cable Act the express provision to the contrary.

Besides granting these benefits to women, the Act also removes discriminations in favour of women by providing that no woman shall be entitled to the short method of naturalization if the citizenship which she has lost originated solely by reason of her marriage to a United States citizen or by reason of the acquisition of United States citizenship by her husband.

Continued agitation for the deportation of alien criminals boiled down in the last session to Public 683, providing that an alien who is convicted and sentenced for a violation of, or conspiracy to violate, any Federal narcotic statute shall be deported. The Act does not apply to addicts who are not dealers in, or peddlers of, narcotic drugs.

Under the Federal parole law the Department of Justice deemed it

inconsistent to grant a parole to an alien prisoner if he was immediately to be taken into custody under deportation proceedings. To remedy this, Public 777 provides that if a Federal prisoner is an alien subject to deportation, the Parole Board, after he has become eligible for parole, may release him on condition that he be deported and remain outside the United States.

One of the war Acts provided that an alien who withdrew his declaration of intention in order to avoid military service was for ever barred from being naturalized. Public 617 removes this bar in case of an alien who withdrew his declaration of intention in order to secure his discharge from the military service if the withdrawal and discharge took place after the date of the Armistice.

Administration of Justice.—The Fifth Amendment to the Constitution provides that " No person shall be held to answer for a capital, or otherwise infamous, crime unless on a presentment or indictment of a grand jury." Public 548 provides that all offences the penalty for which does not exceed confinement in a common jail, without hard labour, for a period of six months, or a fine of not more than $500, or both, shall be deemed to be petty offences and may be prosecuted on information or complaint. It is difficult to see that this statute adds anything to existing law except a declaration of existing practice.

The most important field for the operation of Public 548 is in the field of the prohibition law. The so-called Jones Act, fixing a penalty of a fine of not more than $10,000 or imprisonment for not more than five years, or both, for a number of violations of the Volstead Act, made all such offences clearly infamous crimes, and prosecution had to be by indictment. In order to relieve the Department of Justice, Public 557 enumerates various minor violations the penalty for which is fixed at not more than $500 or confinement in jail, without hard labour, for not more than six months, or both. These cases, therefore, may be prosecuted by information. The offences enumerated are (1) a sale of not more than one gallon of liquor if the defendant has not been within two years convicted of a violation of the Volstead Act " or " is not an habitual violator, (2) the unlawful making of liquor in an amount not exceeding one gallon if no other person is employed in the production, (3) assisting in unlawfully making or transporting liquor as a casual employee, and (4) the unlawful transportation of not exceeding one gallon of liquor by a person not habitually engaged or employed in violation of the Volstead Act " or " not convicted within two years of a violation of such Act. It is believed that the court will unquestionably construe " or," as above quoted in two instances, to read " and," as this undoubtedly was the intention of Congress.

Administration.—Public 862 provides methods for discharging liens or other encumbrances held by the United States on real or personal property.

In any suit for the foreclosure of a lien or mortgage on real estate brought in any proper Federal or State court, the United States consents to be made a party for the purpose of securing an adjudication with respect to a mortgage or lien which the United States has or claims on the premises and is brought into the case by service of process on the local United States attorney and upon the Attorney-General. The United States is given 60 days after service to answer, and the United States may remove such suits from a State court within 30 days after the time

required for answer to the Federal district court for the district in which the suit is pending. The district court to which any such suit has been removed may remand the case to the State court at any time before judgment " if it shall appear that there is no real dispute respecting the rights of the United States, or all the other parties shall concede of record the claims of the United States." Judicial sale in pursuance of a judgment in such a suit has the effect on the encumbrance of the United States provided by the local law. An exception is made, however, that sales to satisfy liens inferior to that of the United States shall not discharge the encumbrance of the United States unless the United States consents to a sale free of such encumbrance and the proceeds are divided. A further exception provides that after sale to satisfy a lien prior to that of the United States, the United States shall have one year in which to redeem. In foreclosure suits covered by the Act where the debt to the United States secured by the encumbrance is due, the United States may sue for the foreclosure of its own encumbrance. The Act further provides that in any foreclosure suit, if the encumbrance of the United States is a first mortgage or lien, the United States may bid in at the sale a sum not exceeding the amount of the claim of the United States plus the expenses of the sale. Provision is made that in all suits under the Act the United States shall not be liable for costs or any money judgment, and in the removal proceedings the United States need not file a removal bond.

The holder of a recorded lien against either real or personal property may have a junior lien (except a tax lien) held by the United States discharged by application to the officer of the United States having administration of the law in respect of which the claim secured arises. If such officer finds that the proceeds of a sale would be insufficient to satisfy " in whole or in part " the claim of the United States, or the claim has been discharged, or the statute of limitations has run on the claim, or for any other reason the claim has become unenforceable, he is obliged to report to the Comptroller-General, who issues a certificate releasing the lien.

Public Works.—One of the plans for alleviating unemployment arising from the depression of the business cycle, and for stabilizing business, has a legislative birth in Congress. Public No. 616 creates a Federal Employment Stabilization Board, to be composed of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Agriculture and the Secretary of Labour. The Board is to advise the President of the trend of employment and business activity and of the existence or approach of periods of business depression and unemployment, and is to co-operate with construction agencies in formulating methods of advance planning. The President is requested, whenever upon recommendation of the Board he finds that there exists or is likely to exist a period of business depression and unemployment, to transmit to the Congress supplemental estimates for emergency appropriations, to be expended upon highways constructed under the Federal Highway Act, rivers and harbours work, flood control projects, public buildings and other authorized construction projects. The President is further authorized to direct construction agencies to accelerate the prosecution of authorized construction during periods of business depression.

In the Act Congress declares its policy properly to arrange the timing of construction of public works so as to assist in the stabilization of industry and employment. To that end the several construction agencies are required to prepare a six-year programme of advance plans, including

the plans for the acquisition of sites, preparation of detailed construction plans and estimated costs. The six-year programme is to be kept up-to-date by an annual revision and by annually extending the plans and estimates for an additional year.

Public No. 736 is a measure designed to expedite the taking of title to and possession of lands authorized to be acquired by the Government for public use outside the District of Columbia, thus expediting the construction of public buildings and works authorized by Congress. It provides for the filing of a declaration of taking signed by the authority empowered by law to acquire the lands described in the condemnation petition, declaring that the lands are thereby taken for the use of the United States. Upon the filing of the declaration of taking and upon deposit in the registry of the court of the amount of the estimated compensation stated in the declaration, title to the lands vests in the United States, and they are deemed to be condemned and taken for the use of the United States. Thereupon the right to just compensation vests in the persons entitled thereto, such compensation to be ascertained and awarded in the condemnation proceeding. In the Act of March 1, 1929 (45 Stat. 1415), a similar provision was enacted relating to condemnation proceedings by the United States for sites for public buildings within the District of Columbia.

Federal contracts for the construction, alteration or repair of public buildings in the States and the District of Columbia are required by Public 798 to contain a provision that the wages paid to labourers and mechanics employed by the Government contractor and his subcontractors on the project " shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village or other civil division " of the State or the District of Columbia, where the work is done. Such contracts are also required to contain a provision that in case any dispute arises as to what are the prevailing rates, which cannot be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labour, whose determination shall be conclusive on " all parties to the contract." The law may be suspended by the President in times of national emergency. The effective date of the Act was delayed 30 days, and it does not affect contracts in existence on its effective date, or entered into pursuant to bids invitations for which were outstanding at the time of its passage.

The Act is designed to abolish the practice of contractors importing workmen into a community and cutting wages below the community scale.

It is to be noted that the policy of the statute is effectuated by the force of the contract rather than by the imposition of criminal penalties as in the case of the eight-hour law for Federal works. Several interesting consequences and a number of perplexing problems arise by reason of the use of this method.

Books for the Blind.—Public 787 authorizes an annual appropriation of $100,000 for the Library of Congress to provide books for the use of adult blind residents of the United States. Authority is given the librarian to arrange with libraries to serve as centres for the circulation of the books, in the lending of which preference is to be given to blind persons honourably discharged from the United States military and naval service.

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